

viding for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for the establishment of local administrative agencies in the various counties and districts of Texas, and for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by applicants therefor; providing for certain information to be given in such application; providing for investigation of applications for assistance, orders thereon, appeals and hearings therein; providing the amount of assistance to be paid to applicants and the method of paying same; providing for discontinuance of grants of assistance; fixing penalties for violation of the provisions of this Act; creating an Old Age Assistance Fund and a Permanent Old Age Pension Fund in the State Treasury; appropriating certain moneys from the General Revenue Fund; appropriating from the Old Age Assistance Fund the sum of Twenty-five Million (\$25,000,000.00) Dollars, or so much thereof as may be necessary for the payment of assistance grants and expenses in connection with the administration of this Act; providing for reimbursement of the General Revenue Fund; providing for investment of the Permanent Old Age Pension Fund; providing for withdrawals from such Fund; providing for gifts and assignments of money, insurance benefits or other property for the benefit of the Old Age Assistance Fund; providing that grants of Old Age Assistance shall be inalienable and not subject to civil process; making provision for recovery, if on the death of a recipient, it is found he had property in excess of the amount allowed by this Act; providing for co-operation between the Texas Old Age Assistance Commission and the Federal Social Security Board; prescribing the administrative cost of this Act; repealing all laws in conflict; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

TWELFTH DAY

(Tuesday, November 12, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Hanna
Adamson	Hardin
Aikin	Harris of Archer
Alexander	Hartzog
Alsup	Head
Ash	Herzik
Atchison	Hill
Beck	Hodges
Bergman	Hofheinz
Bourne	Holland
Bradbury	Hoskins
Bradford	Huddleston
Broyles	Hunt
Burton	Hunter
Butler of Brazos	Jackson
Butler of Karnes	James
Cagle	Jefferson
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Canon	Jones of Shelby
Celaya	Jones of Wise
Clayton	Keefe
Collins	King
Colquitt	Knetsch
Colson	Lanning
Cooper	Latham
Cowley	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davis	Lotief
Davison of Fisher	Lucas
Davisson	Luker
of Eastland	Mauritz
Dickison	McCalla
Dunagan	McConnell
Dunlap of Hays	McFarland
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fisher	Morse
Ford	Newton
Fox	Olsen
Frazer	Padgett
Fuchs	Falmer
Gibson	Patterson
Glass	Payne
Good	Petsch
Gray	Pope
Greathouse	Quinn
Hankamer	Reader

Reed of Bowie	Steward
Reed of Dallas	Stinson
Riddle	Stovall
Roach of Angelina	Tarwater
Roach of Hunt	Tennyson
Roane	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Sessions	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Spears	Young
Stanfield	Youngblood

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Settle
Howard	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we thank Thee this morning that our country is at peace and that Thou hast so wonderfully led us as a nation. Be pleased to guide our President and his helpers in their unparalleled tasks, and to be with our State officials and with us, that we all may be led in wisdom's ways to higher planes. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Graves for today, on motion of Mr. Petsch.

Mr. Lange for today, on motion of Mr. Walker.

The following members were granted leaves of absence on account of illness:

Mr. Harris of Dallas for this morning, on motion of Mr. Stinson.

Mr. Howard for today, on motion of Mr. McCalla.

Mr. Adkins for today, on motion of Mr. Jones of Falls.

HOUSE BILL ON FIRST READING

The following House Bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House and had read the following communication:

House of Representatives

Hon. Coke Stevenson, Speaker

The Board members of the Texas Federation of Womens Clubs in session enthusiastically voted appreciation of the invitation to appear on the floor of your august body and hasten to express their sincere thanks.

Mrs. Volney W. Taylor, President Texas Federation of Womens Club.

BILL ORDERED NOT PRINTED

On motion of Mr. Leonard, House Bill No. 134 was ordered not printed.

EXTENDING CONGRATULATIONS TO HON. AND MRS. CHARLES RUTTA

Mr. Roane offered the following resolution:

Whereas, The Gods of Fortune have been extremely kind to one of our fellow members and his lovely wife; and

Whereas, This kindness has been expressed in the shape of a baby girl; and

Whereas, The members of the House are very happy for our proud fellow member, and his wife; therefore, be it

Resolved by the House of Representatives, That congratulations be extended to the Honorable Charles Rutta and his wife upon the happy occasion which occurred yesterday, and express wishes to the effect that best health and good fortune attend the addition

to the Rutta family in her way through life; and be it further

Resolved, That the Honorable Charles Rutta be invited to address the House on the advantages of fatherhood, and that the Chief Clerk be instructed to send flowers to Mrs. Rutta, with congratulations.

ROANE,
THORNTON,
HERZIK,
LEMENS.

Signed—Stevenson, Speaker; Adamson, Aikin, Adkins, Alexander, Alsup, Ash, Beck, Bergman, Bourne, Bradbury, Bradford, Wells, Harris of Dallas, Leonard, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Wood of Harrison, Russell, Hartzog, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dunagan, Dickison, Dunlap of Kleberg, Atchison, Wood of Montague.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 68 WITH SENATE AMENDMENTS

Mr. Bourne called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 68, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Bourne, the House concurred in the Senate amendments by the following vote:

Yeas—102

Adamson	Calvert
Aikin	Canon
Alexander	Celaya
Bourne	Clayton
Bradbury	Colquitt
Bradford	Colson
Broyles	Cooper
Burton	Craddock
Butler of Karnes	Daniel
Caldwell	Davis

Davison	McKinney
of Eastland	Moffett
Dickison	Morris
Duvall	Morrison
Dwyer	Newton
Fain	Olsen
Farmer	Padgett
Fisher	Palmer
Ford	Patterson
Fox	Petsch
Glass	Pope
Good	Quinn
Gray	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Harris of Archer	Riddle
Herzik	Roach of Angelina
Hodges	Roark
Hofheinz	Roberts
Holland	Rogers
Hoskins	Russell
Huddleston	Rutta
Hunter	Sessions
Jackson	Shofner
Jefferson	Smith
Jones of Shelby	Steward
Jones of Wise	Stinson
King	Stovall
Knetsch	Tarwater
Lanning	Tennyson
Latham	Thornton
Leath	Tillery
Leonard	Venable
Lindsey	Waggoner
Lotief	Walker
Lucas	Wells
Luker	Westfall
Mauritz	Wood of Harrison
McCalla	Wood of Montague
McConnell	Worley
McFarland	Youngblood
McKee	

Present—Not Voting

Davison of Fisher Roane

Absent

Alsup	Gibson
Ash	Greathouse
Atchison	Hardin
Beck	Hartzog
Bergman	Head
Butler of Brazos	Hill
Cagle	Hunt
Collins	James
Cowley	Jones of Atascosa
Crossley	Jones of Falls
Dunagan	Keefe
Dunlap of Hays	Lemens
Dunlap of Kleberg	Moore
England	Morse
Frazer	Payne
Fuchs	Roach of Hunt

Scarborough Young
Spears

Absent—Excused

Adkins Hyder
Fitzwater Lange
Graves Nicholson
Harris of Dallas Settle
Howard Stanfield

INVITING ADMIRAL CHRISTIAN
JOY PEOPLES TO ADDRESS
THE HOUSE

Mr. Wood of Harrison offered the following resolution:

Whereas, There is now in our midst a very distinguished person, a man of very high and notable character; and

Whereas, This distinguished character is the Honorable Admiral Christian Joy Peoples of the United States Navy; and

Whereas, The members of the House of Representatives will consider it an honor to have this distinguished character to visit us during his stay in the City; now, therefore, be it

Resolved by the House of Representatives, That we extend to the Honorable Admiral Christian Joy Peoples an invitation to visit us, and that he be requested to address this body at his convenience.

WOOD of Harrison,
JEFFERSON.

The resolution was read second time, and was adopted.

CONCERNING CERTAIN PRO-
POSED CONSTITUTIONAL
AMENDMENT

Mr. Fox offered the following resolution:

H. C. R. No. 23, Relative to certain proposed Constitutional Amendment.

Whereas, It is a recognized fact by both the members of the present Legislature and the people of Texas in general that our present system of making laws is slow, cumbersome, unwieldy and the results are seldom the will of the majority; and

Whereas, It is believed that the people of Texas would welcome an opportunity to vote for a change in the legislative machinery of this State to the end that same would be simplified and that the legislative results would more nearly express the will of the people; and

Whereas, The present Bicameral System of legislating was established in England during a time when the rights of the majority of the people were being denied and such a system was necessary for the purpose of giving to the people their just voice in Governmental affairs; and

Whereas, It is now believed that the usefulness of such a system has long passed and that the Bicameral System tends to thwart the will of the majority rather than to protect that interest; that under this system the majority of the laws are passed in the closing hours of the session, based upon reports of conference committees, which many times change the meaning and intent of the bill; that the present system permits of the shifting and dodging of responsibility and accountability to the people; that the present system permits of days and weeks of filibustering by those who desire to defeat just and righteous legislation by crowding same down the calendar to the closing hours of the session; that the Bicameral System, as a whole, is a failure in state governments, in that the system has not been perfected since its original institution but has passed beyond the stage of real usefulness and value; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That this Legislature go on record as favoring, at the Regular Session of the Legislature in 1937, the submission of a Constitutional Amendment to the people of Texas which will give to them the right to vote upon the question as to whether or not the people of Texas will adopt the Unicameral Legislative System; that said Amendment call for a Unicameral Legislature composed of a sufficient number of members to properly represent the broad interests of the people of the great State of Texas; that said amendment provide for an annual salary of a reasonable sum with the provision that a member of the Legislature shall be precluded from taking or receiving any compensation from any individual, corporation or concern contrary to the interest of the people; providing for a continuous term of two years with the provision that the Legislature may recess or adjourn from time to time at their will and convene without the call of the Governor upon petition of 50 per cent of the

members; that said Amendment contain other features consistent with the general idea of a one House Legislature.

FOX,
BRADBURY,
SHOFNER,
JONES of Wise,
ROGERS,
MORRIS,
THORNTON,
SPEARS,
FAIN,
CANON,
GLASS,
PADGETT,
LOTIEF,
CRADDOCK,
LUCAS,
LEMENS.

The resolution was read second time.

Mr. McKee moved that the resolution be referred to the Committee on Constitutional Amendments.

Mr. Wood of Harrison moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—61

Adamson	Jones of Atascosa
Alexander	Jones of Shelby
Alsup	King
Atchison	Knetsch
Bergman	Latham
Bradford	Leath
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Caldwell	McCalla
Celaya	McConnell
Clayton	McFarland
Cooper	McKee
Cowley	McKinney
Crossley	Moore
Davisson	Morrison
of Eastland	Morse
Dickison	Newton
Dunlap of Kleberg	Petsch
Duvall	Pope
Frazer	Riddle
Gibson	Roark
Gray	Russell
Hankamer	Scarborough
Hardin	Sessions
Hodges	Steward
Holland	Stinson
Hoskins	Tillery
Huddleston	Waggoner
Jackson	Westfall
James	Wood of Harrison
Jefferson	Wood of Montague

Nays—59

Aikin	Lotief
Ash	Lucas
Bourne	Luker
Bradbury	Mauritz
Broyles	Moffett
Burton	Morris
Canon	Olsen
Collins	Padgett
Colquitt	Palmer
Craddock	Quinn
Daniel	Reader
Davis	Reed of Bowie
Davison of Fisher	Reed of Dallas
England	Roach of Angelina
Fain	Roach of Hunt
Farmer	Roane
Fisher	Rogers
Fox	Rutta
Glass	Shofner
Good	Smith
Hanna	Spears
Harris of Archer	Tarwater
Herzik	Tennyson
Hunt	Thornton
Hunter	Venable
Jones of Falls	Walker
Jones of Wise	Wells
Keefe	Worley
Lanning	Youngblood
Lemens	

Absent

Beck	Hartzog
Cagle	Head
Calvert	Hill
Colson	Hofheinz
Dunagan	Patterson
Dunlap of Hays	Payne
Dwyer	Roberts
Ford	Stovall
Fuchs	Young
Greathouse	

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Settle
Howard	Stanfield

MESSAGE FROM THE SENATE

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

S. C. R. No. 20, Suspending Joint Rules Nos. 11, 22, 23 of the House and Senate until final passage of Senate Bill No. 18.

S. C. R. No. 21, Suspending Joint Rules Nos. 11, 22, 23 of the House and Senate until the final passage of Senate Bill No. 31.

Respectfully,
BOB BARKER,
Secretary of the Senate.

INVITING ELLIOT ROOSEVELT TO ADDRESS THE HOUSE

Mr. Davison of Fisher offered the following resolution:

Whereas, Elliot Roosevelt is in Austin; and

Whereas, This distinguished young man has adopted Texas as his home; therefore, be it

Resolved, That he be invited to address the House briefly at 11:30 o'clock a.m., this morning and be accorded all the privileges of the floor.

DAVISON of Fisher,
KNETSCH,
DANIEL,
SMITH.

The resolution was read second time, and was adopted.

GRANTING PERMISSION TO STENOGRAPHERS TO EX- TEND LUNCHEON HOUR

Mr. Spears offered the following resolution:

Whereas, The stenographers of this House are given one hour each day for lunch; and

Whereas, The session is drawing to a close and this group of employees are desirous of having a Farewell Luncheon on Wednesday, November 13, 1935; therefore, be it

Resolved, That permission be given this group of employees to extend their luncheon hour on the above day and that they be allowed two hours for the purpose of holding this luncheon.

The resolution was read second time, and was adopted.

TO PROVIDE FOR THE APPOINT- MENT OF CERTAIN COM- MITTEE

Mr. Hanna offered the following resolution:

Whereas, It has become common knowledge that Tom Hickman, Ranger Captain in the service of the Texas Public Safety Commission, has been

notified of his discharge for reasons beclouded in mystery and which have given rise to many rumors striking at high public officials, baseless or otherwise; and

Whereas, Captain Hickman over a period of many years, has established an unexcelled record as a peace officer, risking his life on occasion to protect the safety of Texas citizens, and whose record of captures of bank robbers, hi-jackers and other criminals is too well known to need repetition here; and

Whereas, The Texas Public Safety Commission is a creation of this Legislature, established for the purpose of stamping out criminality that, for a time at least, became a menace to government itself; therefore, be it

Resolved, That the Speaker of the House be authorized to appoint a committee of three members of the House to investigate conditions in the Public Safety Commission, and the discharge of Captain Hickman, with the power to subpoena witnesses and examine them under oath, so that the truth shall be established and rumors put to an end, and for the purpose of this resolution there is hereby appropriated out of the Contingent Fund a sum not to exceed Three Hundred (\$300.00) Dollars.

HANNA,
FARMER.

The resolution was read second time.

Mr. Gibson raised a point of order on further consideration of the resolution by Mr. Hanna, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Smith moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering the above resolution.

The motion was lost.

BILL AND RESOLUTION SIGNED BY SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 112, "An Act providing that wherever a person has died or

may die, testate, owning property in Texas, and such person's will has been or may be admitted to probate by the county court, and such probated will names an independent executor, or executors, and/or trustees to execute the terms and provisions of the will, or provides that no other action shall be had in the courts of Texas in reference to the settlement of the estate than the probating and recording of the will and the return of an inventory, appraisement and list of claims of the estate dealt with in the will, or contains language of similar import, and such independent executor, or executors, and/or trustees have died or shall die leaving unexecuted parts or portions of the will of the testator, and an administrator de bonis non, with the will annexed, etc., and declaring an emergency."

H. C. R. No. 20, Relative to Army Construction Program in the State of Texas.

PROVIDING THAT HOUSE BILL NO. 26 SHALL BE EFFECTIVE IMMEDIATELY

Mr. Lucas moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering House Concurrent Resolution No. 22.

The motion prevailed.

Mr. Lucas offered the following resolution:

H. C. R. No. 22, To provide that House Bill No. 26 shall become effective immediately.

Whereas, House Bill No. 26, creating a system for old age assistance in Texas, has passed both Houses of the Legislature, but failed to receive sufficient votes in the Senate to go into immediate effect; and

Whereas, It is very important and essential that such bill go into immediate effect; and

Whereas, There is no good or logical reason for delaying the effective date of said old age assistance bill, and such delay can result in no benefit to the State of Texas but will be in all things detrimental and harmful; and

Whereas, Section 39 of Article 3 of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety (90) days after

the adjournment of the session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall by a vote of two-thirds of all members elected to each House otherwise direct; and

Whereas, The emergency is a part of and expressed in the body of said House Bill No. 26; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, by an affirmative vote of two-thirds of all the members elected to each House, That said House Bill No. 26 be, and the same is hereby, declared to be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective Houses; the purpose of this resolution being to put said House Bill No. 26 into immediate effect without waiting for the expiration of the ninety (90) day period immediately following the adjournment of this, the Second Called Session of the Forty-fourth Legislature; be it further

Resolved, That when this resolution is finally passed, the same shall be printed by the Secretary of State and a copy thereof forwarded to such State officials as may be concerned; and be it further

Resolved, That in case any clause, sentence or part of this resolution shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect nor invalidate the remainder of this resolution, but such invalidity shall be confined in its operation to the clause, sentence or part thereof declared to be invalid; and be it further

Resolved, That said House Bill No. 26, including this resolution, is an emergency measure, and such emergency is hereby declared for the reasons herein and in said House Bill No. 26 stated; and on account of such emergency, an imperative public necessity demands that the constitutional rule, requiring all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and said House Bill No. 26 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

Signed—Lucas, Reed of Bowie, Greathouse, Colson, Fisher, Jones of Shelby, Glass, Westfall, Payne, Keefe, Knetsch, Lotief, Calvert, Butler of Karnes, Hoskins, McKee, Beck, Hunter, Bradbury, Farmer, Quinn, Moffett, Wood of Harrison, Jackson, Tillery, Leath, Youngblood, McFarland, Bourne, Lanning, Craddock, Roach of Angelina, Canon, Aikin, Hodges, Thornton, Morris, McKinney, Waggoner, Holland, Roark, Tarwater, Walker, Luker, King, Moore, England, Daniels, Hartzog, Tennyson, Davisson of Eastland, Bradford, Jones of Wise, Duvall, McConnell, Stovall, Adamson, Fain, Worley, Good, Venable, Wood of Montague, Russell, Padgett, Gray, Olsen, Alsup, Hunt, Stinson, Harris of Dallas, Fuchs, Lindsey, Rutta, Adkins, Cagle, Harris of Archer, Mauritz, Jones of Atascosa, Davis, Wells, Shofner, Reed of Dallas, Graves, Morse, Butler of Brazos, Herzik, Celaya, Broyles, Ash, Roach of Hunt, Fox, Howard, Collins, Ford, James, Newton, Jefferson, Latham, Young, Riddle, Stanfield, Leonard, Dunlap of Kleberg, Frazer, Jones of Falls, Hill, Atchison, Reader, Lemens, Gibson, Hanna, Hardin, Hofheinz, Huddleston, Rogers, Smith, Dunagan and Westfall.

The resolution was read second time.

House Concurrent Resolution No. 22 was adopted by the following vote:

Yeas—111

Adamson	Davisson
Aikin	of Eastland
Alexander	Dwyer
Alsup	England
Atchison	Fain
Beck	Farmer
Bergman	Fisher
Bourne	Ford
Bradbury	Frazer
Broyles	Fuchs
Burton	Glass
Butler of Brazos	Good
Butler of Karnes	Gray
Cagle	Greathouse
Caldwell	Hanna
Calvert	Hardin
Canon	Harris of Archer
Celaya	Hartzog
Collins	Head
Colquitt	Herzik
Cooper	Hodges
Cowley	Hofheinz
Craddock	Holland
Daniel	Hoskins
Davis	Huddleston

Hunt	Petsch
Hunter	Pope
Jackson	Reader
James	Reed of Bowie
Jefferson	Riddle
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Rogers
King	Russell
Lanning	Rutta
Latham	Sessions
Leath	Settle
Lemens	Shofner
Leonard	Smith
Lotief	Stinson
Lucas	Stovall
Luker	Tennyson
McConnell	Thornton
McFarland	Tillery
McKee	Venable
McKinney	Waggoner
Moffett	Walker
Moore	Wells
Morris	Westfall
Morrison	Wood of Harrison
Olsen	Wood of Montague
Palmer	Worley
Patterson	Young
Payne	Youngblood

Nays—5

Clayton	Scarborough
Hankamer	Steward
Roane	

Absent

Ash	Hill
Bradford	Knetsch
Colson	Lindsey
Crossley	Mauritz
Davison of Fisher	McCalla
Dickison	Morse
Dunagan	Newton
Dunlap of Hays	Padgett
Dunlap of Kleberg	Quinn
Duvall	Reed of Dallas
Fox	Spears
Gibson	Tarwater

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Stanfield
Howard	

REASON FOR VOTE

"I introduced and voted for House Concurrent Resolution No. 22 in an endeavor to place House Bill No. 26, the Old Age Assistance Act, into im-

mediate effect, so as to allow the administrative set up to be created at once and the payments to applicants to begin as soon as the necessary revenue is raised.

"I introduced a bill recently to appropriate \$5,000,000.00 from the General Revenue Fund to the Old Age Pension Fund, which would have enabled payments to applicants to begin at an early date, but the Speaker advised that he would sustain a point of order against my bill, since it did not come within the Governor's call. Several members of the Legislature later went to the Governor and asked him to submit the subject matter for my bill, but he refused to do so. He gave as his reason the fact that the General Revenue Fund already has a large deficit, and he felt that we should raise the revenue for the pensions along with the Pension Bill.

"I have tried to co-operate with the Governor, and I do not wish to be critical of him, but I feel that he has taken the wrong attitude on my bill. He urged us to pass an appropriation for the Centennial in Dallas next year and he later approved an appropriation bill for three million dollars from the General Revenue Fund for this purpose. He also urged us to pass a very large appropriation bill to eradicate ticks. I feel that we should be willing to use this money for pensions if we are going to appropriate money for ticks, and this big carnival in Dallas, out of the General Fund."

LUCAS.

HOUSE BILL NO. 134 ON SECOND READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 134 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Broyles
Aikin	Burton
Alexander	Butler of Brazos
Alsup	Butler of Karnes
Ash	Caldwell
Atchison	Canon
Beck	Celaya
Bergman	Clayton
Bourne	Collins

Colquitt	Luker
Colson	Mauritz
Cooper	McConnell
Cowley	McFarland
Craddock	McKee
Daniel	McKinney
Davis	Moffett
Davisson	Moore
of Eastland	Morris
Dunagan	Morrison
Dunlap of Kleberg	Morse
Dwyer	Olsen
England	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Petsch
Fox	Pope
Frazer	Quinn
Fuchs	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hanna	Roach of Hunt
Hardin	Roberts
Hartzog	Rogers
Herzik	Russell
Hodges	Scarborough
Hofheinz	Sessions
Holland	Settle
Hoskins	Shofner
Hunt	Smith
Hunter	Steward
Jackson	Stinson
James	Stovall
Jefferson	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Thornton
Jones of Shelby	Venable
Jones of Wise	Waggoner
Keefe	Walker
King	Wells
Lanning	Westfall
Latham	Wood of Harrison
Leath	Wood of Montague
Lemens	Worley
Leonard	Young
Lindsey	Youngblood

Nays—8

Cagle	Head
Davison of Fisher	Lotief
Fain	Lucas
Greathouse	Roark

Absent

Bradbury	Gibson
Bradford	Harris of Archer
Calvert	Hill
Crossley	Huddleston
Dickison	Knetsch
Dunlap of Hays	McCalla
Duvall	Newton

Padgett
Roane
Rutta

Spears
Tillery

Absent—Excused

Adkins
Fitzwater
Graves
Harris of Dallas
Howard

Hyder
Lange
Nicholson
Stanfield

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time.

Mr. Leonard offered the following amendments to the bill:

Amend House Bill No. 134 in Sections 1, 2 and 3, by inserting before the words "First Called Session" wherever they appear in said sections, the following words: "Regular Session and the."

Amend the Caption of House Bill No. 134, by inserting before the words "First Called Session" the following words: "Regular Session and the."

The amendments were severally adopted.

House Bill No. 134 was then passed to engrossment.

HOUSE BILL NO. 134 ON THIRD READING

The Speaker then laid House Bill No. 134 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson
Aikin
Alexander
Alsup
Ash

Atchison
Bergman
Bourne
Bradbury
Bradford

Broyles
Burton
Butler of Brazos
Butler of Karnes
Caldwell
Canon
Celaya
Clayton
Collins
Colquitt
Colson
Cowley
Craddock
Davis
Davison of Fisher
Davisson
of Eastland
Dunlap of Hays
England
Farmer
Fisher
Ford
Fox
Frazer
Fuchs
Gibson
Glass
Good
Gray
Hankamer
Hanna
Hardin
Hartzog
Herzik
Hodges
Hofheinz
Holland
Hoskins
Hunter
Jackson
James
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
King

Lanning
Latham
Leath
Lemens
Leonard
Lindsey
Luker
Mauritz
McConnell
McFarland
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Olsen
Palmer
Patterson
Payne
Fetsch
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roberts
Rogers
Scarborough
Sessions
Settle
Shofner
Smith
Steward
Stinson
Stovall
Tennyson
Thornton
Venable
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Young
Youngblood

Nays—14

Beck
Cagle
Dwyer
Fain
Greathouse
Head
Lucas

Pope
Quinn
Roach of Hunt
Roark
Russell
Tarwater
Tillery

Absent

Calvert
Cooper
Crossley
Daniel

Dickison
Dunagan
Dunlap of Kleberg
Duvall

Harris of Archer	Newton
Hill	Padgett
Huddleston	Reader
Hunt	Roane
Knetsch	Rutta
Lotief	Spears
McCalla	Worley

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Stanfield
Howard	

RELATIVE TO PER DIEM OF MEMBERS OF THE HOUSE FOR CERTAIN SESSION

Mr. Worley offered the following resolution:

Whereas, The House of Representatives has gone on record favoring an extraordinary session for the purpose of preferring impeachment charges against certain official; and

Whereas, The Treasury of the State of Texas is sadly depleted and can ill afford greater expenditures; now therefore, be it

Resolved by the House of Representatives, That no money be appropriated to pay for such extraordinary session in excess of an amount necessary to pay each member of the House of Representatives at the rate of one dollar (\$1.00) per day, so long as the extraordinary session continues.

WORLEY,
BECK.

The resolution was read second time.

Mr. Leonard raised a point of order on further consideration of the resolution by Mr. Worley, on the ground that the resolution seeks to amend a statute.

The Speaker overruled the point of order.

Mr. England raised a point of order on further consideration of the resolution by Mr. Worley, on the ground that the resolution seeks to fix the per diem of members by a simple resolution.

The Speaker sustained the point of order.

HOUSE BILL NO. 108 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of each respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; and declaring an emergency."

The bill was read second time.

Mr. Hankamer offered the following committee amendment to the bill:

Amend House Bill No. 108, by adding at the end of Section 1 a new section to be numbered "Section 2," and by renumbering subsequent sections accordingly, said new "Section 2" to read as follows:

"Section 2. The provisions of this Act shall not be construed as validating any such levies for ad valorem taxes, and/or proceedings incident thereto, where the validity of such levy and/or proceedings incident thereto, have been attacked or contested in any pending suit or litigation."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 108 was then passed to engrossment.

HOUSE BILL NO. 108 ON THIRD READING

Mr. Lindsey moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adamson	Beck
Aikin	Bergman
Alexander	Bourne
Alsup	Bradbury
Ash	Bradford

Eroyles	Lanning
Burton	Latham
Butler of Brazos	Leath
Butler of Karnes	Lemens
Cagle	Leonard
Caldwell	Lindsey
Calvert	Lotief
Canon	Lucas
Clayton	Luker
Collins	Mauritz
Colson	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	McKinney
Crossley	Morris
Daniel	Morrison
Davisson	Morse
of Eastland	Newton
Dickison	Olsen
Dunagan	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Patterson
Dwyer	Payne
England	Pope
Fain	Quinn
Farmer	Reed of Bowie
Fisher	Reed of Dallas
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Good	Rogers
Gray	Russell
Hankamer	Scarborough
Hanna	Sessions
Hardin	Settle
Harris of Archer	Shofner
Hartzog	Smith
Herzik	Spears
Hodges	Steward
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Waggoner
Jackson	Walker
James	Wells
Jefferson	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Keefe	Youngblood
King	

Absent

Atchison	Ford
Celaya	Greathouse
Colquitt	Head
Davis	Hill
Davison of Fisher	Knetsch
Duvall	McCalla

Moffett	Riddle
Moore	Rutta
Petsch	Stinson
Reader	Venable

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Stanfield
Howard	

The Speaker then laid House Bill No. 108 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adamson	Hodges
Alexander	Holland
Ash	Hoskins
Beck	Huddleston
Bergman	Hunt
Bourne	Hunter
Bradbury	Jackson
Bradford	James
Broyles	Jefferson
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Shelby
Cagle	Jones of Wise
Caldwell	Keefe
Calvert	Lanning
Canon	Latham
Clayton	Leath
Collins	Leonard
Cowley	Lindsey
Craddock	Lotief
Crossley	Lucas
Daniel	Luker
Davisson	Mauritz
of Eastland	McConnell
Dickison	McFarland
Dunagan	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Morris
Dwyer	Morrison
England	Morse
Fain	Newton
Farmer	Olsen
Fisher	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Pope
Good	Quinn
Gray	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Riddle
Harris of Archer	Roach of Angelina
Hartzog	Roach of Hunt
Herzik	Roane

Roark	Stovall
Roberts	Tarwater
Rogers	Thornton
Russell	Tillery
Scarborough	Waggoner
Sessions	Walker
Settle	Wells
Shofner	Westfall
Smith	Wood of Harrison
Steward	Wood of Montague
Stinson	Worley

Nays—4

Aikin	Greathouse
Alsup	Tennyson

Absent

Atchison	King
Celaya	Knetsch
Colquitt	Lemens
Colson	McCalla
Cooper	Moffett
Davis	Moore
Davison of Fisher	Payne
Duvall	Petsch
Ford	Rutta
Fox	Spears
Frazer	Venable
Head	Young
Hill	Youngblood
Hofheinz	

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Stanfield
Howard	

**GRANTING WADE ROBIUON
PERMISSION TO SUE THE
STATE**

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 18, by Mr. Fisher, Granting Wade Robiuon permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has re-

fused to concur in House Amendments to Senate Bill 15, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators,

POAGE,
RAWLINGS,
HORNSBY,
REGAN,
REDDITT.

Has adopted

S. C. R. No. 22, Resolving that the Secretary of Agriculture rescind his order requesting goat meat to be designated as "chevon."

Respectfully,

BOB BARKER,
Secretary of the Senate.

**HOUSE BILL NO. 92 ON PASSAGE
TO ENGROSSMENT**

Mr. Stovall moved that the Seventy-two Hour House Rule, be suspended, at this time, for the purpose of taking up and considering House Bill No. 92.

The motion prevailed by the following vote:

Yeas—74

Adamson	Hodges
Aikin	Hoskins
Beck	Huddleston
Bourne	Hunt
Bradbury	James
Bradford	Jefferson
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Canon	Lanning
Colson	Leath
Craddock	Lindsey
Dickison	Lotief
Dunlap of Hays	Lucas
Dwyer	Luker
England	McConnell
Fain	McFarland
Farmer	Morris
Fisher	Morrison
Fox	Newton
Fuchs	Olsen
Gibson	Padgett
Glass	Palmer
Good	Patterson
Gray	Reader
Greathouse	Reed of Bowie
Hardin	Riddle
Harris of Archer	Roach of Angelina
Hartzog	Roach of Hunt

Roark	Venable
Russell	Waggoner
Rutta	Walker
Scarborough	Westfall
Settle	Wood of Harrison
Stovall	Wood of Montague
Tennyson	Worley
Tillery	Youngblood

Nays—30

Alexander	Jones of Atascosa
Aisup	Latham
Bergman	Leonard
Butler of Karnes	McKee
Cagle	Morse
Caldwell	Pope
Clayton	Quinn
Collins	Reed of Dallas
Cooper	Roane
Crossley	Roberts
Dunagan	Sessions
Hankamer	Shofner
Hanna	Stinson
Hofheinz	Thornton
Jackson	Wells

Present—Not Voting

Herzik

Absent

Asn	Hunter
Atchison	Jones of Falls
Calvert	King
Celaya	Knetsch
Colquitt	Lemens
Cowley	Mauritz
Daniel	McCalla
Davis	McKinney
Davison of Fisher	Moffett
Davison	Moore
of Eastland	Payne
Dunlap of Kleberg	Petsch
Duvall	Rogers
Ford	Smith
Frazer	Spears
Head	Steward
Hill	Tarwater
Holland	Young

Absent—Excused

Adkins	Hyder
Fitzwater	Lange
Graves	Nicholson
Harris of Dallas	Stanfield
Howard	

The Speaker then laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 92, A bill to be entitled "An Act levying a registration fee on secured debts; defining secured debts; providing a registration fee of thirty

(30c) cents for each One Hundred (\$100.00) Dollars or major fraction thereof on debts secured by real estate or by real estate and personal property maturing more than one year and not more than three (3) years from date; providing a registration fee on debts secured by personal property; etc., and declaring an emergency."

The bill having been read second time on yesterday.

Mr. Stovall offered the following amendments to the bill:

Amend House Bill No. 92, page 3, line 4, by changing the word "liens" to "debts."

Amend House Bill No. 92, page 3, line 29, by inserting "one time" after the word "paid."

Amend House Bill No. 92, page 4, line 17, by changing the word "or" to "of" after the word "deed" and before the word "trust."

The amendments were severally adopted.

(Pending consideration of House Bill No. 92, Mr. Pope occupied the chair, temporarily.)

(Speaker in the Chair.)

Question—Shall House Bill No. 92 pass to engrossment?

ADDRESSES BY HON. PAUL V. McNUTT, ADMIRAL CHRISTIAN PEOPLES, AND ELLIOT ROOSEVELT

In accordance with the provisions of resolutions adopted, inviting the Hon. Paul V. McNutt, Governor of Indiana, Admiral Christian Joy Peoples of the U. S. Navy and Elliot Roosevelt, son of President Franklin Roosevelt, to address a Joint Session of the House and Senate today, the Honorable Senate, escorted by Hon. Bob Barker, Secretary of the Senate and A. W. Holt, Sergeant-at-arms of the Senate, was announced at the bar of the House.

The Honorable Senators were admitted and escorted to seats prepared for them.

Lieutenant - Governor Walter F. Woodul was escorted to a seat on the Speaker's stand.

Hon. Paul V. McNutt, accompanied by Hon. James V. Allred and Senators Burns, Shivers and Hopkins, committee on the part of the Senate, and Messrs. Bradbury, Spears, Fox and Settle, committee on the part of the House,

was announced at the bar of the House, and being admitted was escorted to a seat on the Speaker's stand.

Admiral Peoples, accompanied by C. N. Avery, Hon. Pat Jefferson and Hon. Robert H. Wood, was also escorted to a seat on the Speaker's stand.

Hon. Howard Davison of Fisher County, escorted Elliot Roosevelt to the Speaker's stand.

Lieutenant - Governor Walter F. Woodul called the Senate to order.

Hon. Coke R. Stevenson, Speaker, called the House of Representatives to order and presented Hon. James V. Allred, Governor.

Governor Allred introduced Hon. Paul V. McNutt, who addressed the Joint Session.

Speaker Stevenson presented Hon. Elliot Roosevelt, who addressed the Joint Session.

Speaker Stevenson also presented Hon. Pat Jefferson of Bexar County who introduced Admiral Christian Joy Peoples of the United States Navy.

Mr. Peoples then addressed the Joint Session.

Mr. Wells moved that the address of Mr. McNutt be printed in the Journal.

The motion prevailed.

(Note—copy of address was not available.)

SENATE RETIRES

At the conclusion of the addresses, the Senate retired to its chamber.

RECESS

On motion of Mr. Quinn, the House at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

REQUEST OF SENATE GRANTED

On motion of Mr. Dunagan, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the House and Senate, on Senate Bill No. 15.

In accordance with the above action, the Speaker announced the appointment of the following Conference

Committee: Messrs. Pope, Roark, Latham, Harris of Dallas and Dunagan.

MESSAGE FROM THE SENATE

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 105, A bill to be entitled "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory or extending and prescribing the corporate limits of any incorporated city incorporated and functioning under the General Laws of Texas under Commission Form of Government, and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act reappropriating an appropriation of Seventy-five Thousand (\$75,000.00) Dollars made by Acts of the Regular Session, Forty-fourth Legislature, Chapter 352, page 868, for the purpose of remodeling and re-equipping hospital building at the State Hospital for Crippled and Deformed Children at Galveston, Texas; providing that said appropriation shall be used for the purpose of erecting a new hospital building; appropriating an additional Thirty-five Thousand (\$35,000.00) Dollars for such purpose; and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than thirty-two thousand five hundred (32,500) and not more than thirty-seven thousand five hundred (37,500), and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 122 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 122, A bill to be entitled "An Act amending House Bill No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the

Forty-fourth Legislature, 1935 Regular Session, by adding thereto a Section to be known as Section 6a, providing that a common school district in a county whose population, as shown by the last Federal Census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollars property valuation, and has voted a tax levy of seventy-five (75) cents on the one hundred dollar valuation, may receive aid for a one-teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 122 ON THIRD READING

Mr. Cowley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

Adamson	England
Adkins	Fain
Aikin	Farmer
Alexander	Fisher
Alsup	Ford
Ash	Frazer
Atchison	Fuchs
Beck	Glass
Bergman	Good
Bourne	Graves
Bradbury	Gray
Bradford	Hankamer
Broyles	Hanna
Burton	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Calvert	Hartzog
Canon	Head
Clayton	Herzik
Collins	Hill
Colquitt	Hodges
Cooper	Hofheinz
Cowley	Huddleston
Crossley	Hunter
Daniel	Jackson
Davis	James
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe

King	Riddle
Lanning	Roach of Angelina
Lemens	Roach of Hunt
Leonard	Roark
Lindsey	Roberts
Lotief	Rogers
Lucas	Rutta
Mauritz	Scarborough
McCalla	Sessions
McConnell	Settle
McFarland	Shofner
McKee	Spears
McKinney	Stanfield
Moore	Steward
Morris	Stovall
Morrison	Tennyson
Newton	Thornton
Olsen	Tillery
Padgett	Venable
Palmer	Waggoner
Patterson	Walker
Payne	Wood of Harrison
Pope	Wood of Montague
Quinn	Worley
Reed of Bowie	Youngblood
Reed of Dallas	

Absent

Butler of Brazos	Hunt
Caldwell	Jefferson
Celaya	Knetsch
Colson	Latham
Craddock	Leath
Dunlap of Hays	Luker
Dunlap of Kleberg	Reader
Duvall	Roane
Dwyer	Russell
Fox	Smith
Gibson	Stinson
Greathouse	Tarwater
Holland	Wells
Hoskins	Westfall

Absent—Excused

Fitzwater	Morse
Howard	Nicholson
Hyder	Petsch
Lange	Young
Moffett	

The Speaker then laid House Bill No. 122 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson	Atchison
Adkins	Beck
Aikin	Bergman
Alexander	Bourne
Alsup	Bradbury
Ash	Bradford

Broyles	Lanning
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Cagle	Lotief
Calvert	Lucas
Canon	Luker
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Cooper	McKee
Cowley	McKinney
Crossley	Moore
Davis	Morris
Davison of Fisher	Morrison
Davisson	Newton
of Eastland	Olsen
Dickison	Padgett
Dunagan	Palmer
Dunlap of Kleberg	Patterson
Duvall	Payne
Fain	Pope
Farmer	Quinn
Fisher	Reed of Bowie
Ford	Reed of Dallas
Frazer	Riddle
Fuchs	Roach of Angelina
Glass	Roane
Good	Roark
Graves	Roberts
Gray	Rogers
Hankamer	Rutta
Hanna	Sessions
Hardin	Settle
Harris of Dallas	Shofner
Hartzog	Spears
Head	Stanfield
Herzik	Steward
Hill	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Huddleston	Tennyson
Hunter	Thornton
Jackson	Tillery
James	Venable
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley
King	Youngblood

Absent

Caldwell	Greathouse
Celaya	Harris of Archer
Colson	Holland
Craddock	Hoskins
Daniel	Hunt
Dunlap of Hays	Jefferson
Dwyer	Knetsch
England	Latham
Fox	Leath
Gibson	Mauritz

Reader	Smith
Roach of Hunt	Wells
Russell	Westfall
Scarborough	

Absent—Excused

Fitzwater	Morse
Howard	Nicholson
Hyder	Petsch
Lange	Young
Moffett	

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following members of the Conference Committee on House Bill No. 77, were granted temporary leaves of absence for this afternoon on account of important committee work on House Bill No. 77: Messrs. Bradbury, Moffett, Petsch, Morse and Young.

MESSAGE FROM THE SENATE

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 103, A bill to be entitled "An Act validating the acts of cities, towns and villages in attempting to adopt the provisions of cities and towns under authority of Article 961, Revised Civil Statutes of 1925, and validating acts thereafter taken by such cities, towns and villages, with provision that this Act shall not apply in instances wherein the validity of the adoption of such powers is in litigation at the time this Act becomes effective, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 104, A bill to be entitled "An Act to create the Sulphur River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts; providing for directors and organization and operation of the districts and the authority and duties of said directors: defining the area of the parent and subordinate districts; providing certain duties for the State Board of Water Engineers, State Reclamation Engineer and the

Governor of the State; etc., and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, November 12, 1935.
To the Members of the Forty-fourth Legislature.

(In Second Called Session):

At the request of Senator Will D. Pace and Representatives W. M. Craddock, Tom Cooper, Otis Dunagan and Sidney Latham, I respectfully submit for your consideration the following local bill:

To abolish the office of district attorney of the 7th Judicial District at the expiration of the term of the present incumbent, and confer the duties of said office upon the county attorneys of Smith, Wood and Upshur Counties.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

HOUSE BILL NO. 92 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 92, relative to the levying of a registration fee on secured debts, on its passage to engrossment.

The bill having heretofore been read second time.

Mr. Stovall offered the following amendments to the bill:

Amend House Bill No. 92, page 4, line 21, by changing the word "or" to "of" after the word "deeds," and before the word "trust."

Amend House Bill No. 92, page 4, line 21, by erasing the word "and" and inserting "on" after the word "notes."

Amend House Bill No. 92, page 4, line 38, by changing the figures "7156" to "7165" after the word "Articles."

Amend House Bill No. 92, page 5, line 14, Section 4, by changing the word "any" to "all."

The amendments were severally adopted.

Mr. Venable offered the following amendment to the bill:

Amend House Bill No. 92, page 7, line 4, by striking out the word "debt" and inserting in lieu thereof the word "debts."

The amendment was adopted.

Mr. Collins offered the following amendment to the bill:

Amend House Bill No. 92, Section 2, subsection "f" in line 38, by inserting after the words and figures "7166" the following:

"And life insurance companies that render their property for taxation as directed by Article 4754 of the Revised Civil Statutes of 1925."

COLLINS,
THORNTON,
KNETSCH,
COLQUITT,
STINSON,
HANNA,
COWLEY,
FRAZER,
HUNTER.

The amendment was adopted.

Mr. Collins offered the following amendment to the bill:

Amend House Bill No. 92, Section 2, subsection "f" on page 5, by inserting in line 1 after the word "debt" the following:

"Providing that the above individuals, associations and corporations which are exempted by the above articles shall receive that exemption only when and after they have fully and strickly complied with the contemplated provisions of each of the above articles."

The amendment was adopted.

Mr. Crossley offered the following amendment to the bill:

Amend House Bill No. 92, page 5, by adding after the word "debt" in line one the following:

"All fraternal insurance organizations and labor associations are explicitly exempted from this Act."

CROSSLEY,
JEFFERSON.

The amendment was adopted.

Mr. McFarland offered the following amendment to the bill:

Amend House Bill No. 92 by striking out Section 6, page 6, and insert in lieu thereof the following:

"Section 6. Failure to register such secured debts within ninety (90) days after the effective date of this Act or within ninety (90) days of the date such debts are executed, shall be a bar, and may be plead as a complete defense to any cause of action in the courts of this State for collection of such debts or the foreclosure of the lien securing such debt.

"Provided, however, that the provisions of this Act shall not apply to any debt on which the interest and charges, directly or indirectly, does not exceed five per centum per annum."

McFARLAND,
JONES of Atascosa.

Question—Shall the amendment by Mr. McFarland be adopted?

MESSAGES FROM THE SENATE

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities; and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks; etc., and declaring an emergency."

(With amendments.)

S. B. No. 18, A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasia, athletic buildings and stadia; conferring definite power on the governing boards of the educational institutions named to fix fees and charges against students for the use of any and all buildings constructed under this law as amended, and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth

Legislature, transferring certain lands from the Badgett Common School District No. 4 in Martin County, Texas, to Courtney Independent School District No. 5, Martin County, Texas, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act to amend Chapter 3 of Title 42 of the Revised Civil Statutes of Texas of 1925 by adding thereto a new article to be known as Article 2033-B, providing for the service of citation or other civil process, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act authorizing cities having a population of more than 3,500 and not exceeding 4,000 inhabitants, and which are not served either by a natural gas or artificial gas distribution system to acquire by purchase or otherwise a system to make available and to distribute to their inhabitants who subscribe for the service, a gas for fuel and lighting purposes manufactured and compounded in the manner herein prescribed; and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 18, to the Committee on Education.

Senate Bill No. 23, to the Committee on Education.

Senate Bill No. 28, to the Committee on Judiciary.

Senate Bill No. 30, to the Committee on Municipal and Private Corporations.

Senate Bill No. 19, to the Committee on Education.

Senate Bill No. 31, to the Committee on Education.

HOUSE BILL NO. 46 WITH SENATE AMENDMENTS

Mr. Frazer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities; and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Frazer moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the House and Senate on the bill.

Mr. Jones of Atascosa moved that the House concur in the Senate amendments.

Mr. Frazer moved to table the motion by Mr. Jones of Atascosa.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—117

Adamson	Cooper
Adkins	Cowley
Aikin	Craddock
Asn	Crossley
Atchison	Davisson
Beck	of Eastland
Bergman	Dickison
Bourne	Dunagan
Bradbury	Dunlap of Hays
Broyles	Dunlap of Kleberg
Burton	Duvall
Butler of Brazos	Dwyer
Cagle	England
Caldwell	Fisher
Calvert	Ford
Canon	Fox
Celaya	Frazer
Clayton	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good

Graves	Padgett
Gray	Palmer
Greathouse	Patterson
Hankamer	Payne
Hanna	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reader
Head	Reed of Bowie
Herzik	Reed of Dallas
Hodges	Riddle
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roane
Hunter	Roberts
Jackson	Russell
James	Rutta
Jefferson	Scarborough
Jones of Falls	Sessions
Jones of Shelby	Settle
Keefe	Shofner
King	Smith
Lanning	Spears
Latham	Steward
Lemens	Stinson
Leonard	Stovall
Lucas	Tarwater
Mauritz	Tennyson
McCalla	Thornton
McConnell	Venable
McFarland	Waggoner
McKee	Walker
McKinney	Wells
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Newton	Youngblood

Nays—23

Alexander	Hunt
Alsop	Jones of Atascosa
Bradford	Jones of Wise
Butler of Karnes	Leath
Daniel	Lotief
Davis	Luker
Davison of Fisher	Olsen
Fain	Roark
Farmer	Rogers
Hardin	Tillery
Hill	Westfall
Huddleston	

Present—Not Voting

Knetsch

Absent

Lindsey

Stanfield

Absent—Excused

Fitzwater
Howard
Hyder

Lange
Moffett
Nicholson

PAIRED

Mr. Knetsch (present), who would vote "nay," with Mr. Nicholson (absent), who would vote "yea."

REASONS FOR VOTE

I voted for House Bill No. 46 because the income tax feature would produce five-sixths of the revenue that would be produced under the bill, and because it is my opinion that if this bill is sent to a conference committee that the House of Representatives will later be placed in the position of voting for a sales tax or against the payment of an old age pension after the people voted overwhelmingly for it.

I am bitterly opposed to a sales tax in any form, but I believe that this bill as sent back from the Senate was the only chance for the Second Called Session of the Forty-fourth Legislature to raise any revenues at this called session of the Legislature.

HOWARD C. DAVISON.

I voted "yea" on the motion to table the motion to concur in the Senate amendments to House Bill No. 46, for the reason that the Senate substituted an entirely new bill for the House bill, which substitute contained a sales tax. During the campaign at which I was elected, the question of a sales tax was a very live one and I repeatedly stated that I would not vote for a sales tax and as long as that promise is out to the people of my district I do not feel that I could vote for a sales tax regardless of the urgent necessity for new taxes or regardless of the other desirable features of a tax bill. Our entire tax structure should be revised and the burden more equitably distributed but this, in my opinion, should not be done in a hasty manner, nor by passing a sales tax in advance.

FOX.

Question then recurring on the motion by Mr. Frazer, that the House do not concur in the Senate amendments to House Bill No. 46, and that a conference committee be appointed to adjust the differences between the two Houses on the bill, it prevailed.

Mr. Pope moved that the Conference Committee be instructed to incorporate in the conference committee report the following:

"Section 35. Imposition of the Tax—For the purpose of creating an Old

Age Assistance Fund in the State of Texas, and for paying the benefits provided for in this Act, there is hereby levied and shall be collected an annual tax of one half of one (1%) per cent of the gross receipts on all sales at retail, less deductions allowed in Section 39 of this Act from all persons engaged in the making of sales at retail in the State of Texas.

"Section 36. Any person engaged in the business of making sales at retail who is at the same time engaged in some other kind of business, occupation or profession not taxable under this Act shall keep books to show separately the transactions used in determining the tax herein levied. In the event such person fails to keep such separate books, there shall be levied a tax based upon the entire gross receipts of both, or all of his businesses.

"Section 37. The tax hereby imposed shall be payable from and after January 1, 1936, as herein provided.

"Section 38. Licenses required for tax purposes.—If any person, after the first day of January, 1936, shall engage in or conduct any business upon the gross receipts of which a tax is imposed by this Act, he shall under such rules and regulations as the Administrator of Old Age Assistance shall prescribe apply for and obtain from such Administrator a certificate to engage in and to conduct such business for the current tax year, and such certificate shall thereby authorize the holder to engage in and conduct such business. Said certificate shall expire on the last day of the tax year next succeeding the date of its issuance, and shall be renewed annually upon the condition that the tax payer shall pay tax accrued to the fund under the provisions of this Act. No person shall engage in, or continue any business taxable hereunder without securing a certificate.

"Section 39. Deductions.—(a). In computing the amount of tax levied under the provisions of this Act for any year, the taxpayer may deduct from the gross receipts taxable under this Act the sum of Five Hundred (\$500.00) Dollars, plus the amount of the gross receipts and/or gross production taxes and intangible tax now annually paid. Every person exercising any privilege taxable hereunder

for any fractional part of the tax year shall be entitled to a deduction of that part of the sum of \$500.00, plus the amount of the gross receipts and/or gross production taxes and intangible tax now annually paid, that the period of time during which such person is engaged in such business bears to the entire year. Upon filing monthly returns provided for in this Act, a twelfth part of the deduction granted in this Section may be claimed and deducted on such returns.

"(b) No person subject to a tax under this Act need include in the amount of his gross receipts used for the computation of the tax any proceeds of his business derived from sales to the United States, the State of Texas, its departments or institutions, or any of its subdivisions, or any proceeds of his business which are exempt from taxation by reason of the provisions of the Constitution of the United States, or the Constitution of Texas.

"Section 40. Additional Tax.—The tax imposed by this Act shall be in addition to all other certificate fees and taxes levied by law as a condition precedent to engaging in or conducting any business taxable hereunder, except as is in this Act otherwise specifically provided.

"Section 41. Monthly return; computation of tax; payment.—The taxes levied hereunder shall be a personal obligation of the taxpayer and shall be due and payable in monthly installments, on or before the fifteenth day of the month next succeeding the month in which the tax accrued. The taxpayer shall, on or before the fifteenth day of each month, make out a return for the preceding month in the form required by the Administrator, showing the amount of the tax for which he is liable, and he shall mail the return, together with a remittance for the amount of the tax, to the office of the Administrator. Such monthly return shall be signed by the taxpayer or his duly authorized agent.

"Section 42. Any person taxable under this Act, doing business wholly or partly on a credit basis, may make application to the Administrator for permission to prepare his returns on the basis of cash actually received. Such application shall be granted by the Administrator under such rules and regulations as the Administrator may prescribe. When such application

is granted, the taxpayer shall thereafter until further order of the Administrator include in each return all cash received during the month preceding, and shall pay taxes on the basis of such cash receipts at the time of filing such return.

"Section 43. Annual return; payment of tax after end of tax year.—On or before thirty days after the end of the tax year each person liable for the payment of a tax under this Act shall make an annual return in the form required by the Administrator, showing the total gross proceeds of his business for the preceding tax year, and showing the amount of tax payable by him under this Act, and, after deducting the amount of the monthly payments made during such tax year, he shall transmit the return to the Administrator, with his remittance covering the residue, if any, of the tax payable by him for the preceding tax year. Such return shall be verified by the oath of the taxpayer, or his duly authorized agent. The Administrator, for good cause shown, may extend the time for making the annual return on the application of any taxpayer. The Administrator shall, on application of any taxpayer, permit him to use as the tax year for the purpose of this Act the fiscal year used in the ordinary course of his business instead of the fiscal year of the State of Texas.

"Section 44. Consolidated Returns.—Any person engaging in two or more places in the same business or business of like character taxable under this Act, shall file a consolidated return covering all such business activities engaged in within this State and shall be entitled to deduct one exemption only in the amount of Five Hundred Dollars, as allowed in Section 39.

"Section 45. Examination of returns; Determination of tax; Deficiency Assessments.—As soon as practicable after each return is filed the Administrator shall examine it. If it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be re-computed and the correct tax determined. If the amount paid exceeds that which should have been paid on the basis of the tax so re-computed, the excess so paid shall be credited against a subsequent tax or shall be refunded if requested by the taxpayer.

"Section 46. If the amount paid is less than the amount which should have been paid, the deficiency, shall become due and payable after notice and hearing as herein provided.

"Section 47. If any part of the deficiency is due to negligent or intentional disregard of this Act, or of authorized rules and regulations of the Administrator, but without intent to defraud, there shall be added as a penalty ten per cent of the total amount of the deficiency in the tax, and interest shall be collected at the rate of one per cent per month on the amount of such deficiency in the tax from the time it was due, which interest and penalty shall become due and payable after notice and hearing as hereinafter provided.

"Section 48. If any part of the deficiency is due to a fraudulent intent to evade the tax, then there shall be added as a penalty one hundred per cent of such deficiency and, in such a case, the whole amount of tax unpaid, together with the penalty, shall become due and payable after notice and hearing as hereinafter provided, and an additional one per cent per month on the tax shall be added from the date such tax was due until paid.

"Section 49. Whenever notice is required under the provisions of this Act, such notice shall be given either by personal service or by registered mail addressed to the last known address of the taxpayer.

"Section 50. No deficiency, interest or penalty shall be assessed for any year after the expiration of three years from the date set for the filing of the annual return for such year.

"Section 51. Remittances.—All remittances of taxes imposed by this Act shall be made to the Administrator by bank draft, check, cashier's check, money order, certificate of deposit or money. The Administrator shall issue his receipt, and shall forthwith deposit all moneys received in the State Treasury, where it shall be credited as in this Act provided; provided that no remittance other than cash shall be a final discharge of liability for the tax herein assessed and levied unless and until it has been paid in cash.

"Section 52. For failure to make return.—If any person fails or refuses to file a return, the Administrator shall proceed to assess the tax against such

person and shall notify him of the amount thereof. Such tax shall become due and payable after notice and hearing as hereinafter provided.

"Section 53. As soon as possible after procuring such information, the Administrator shall proceed to assess the tax against such person, and shall notify him of the amount hereof. Such tax shall become due and payable after notice and hearing as hereinafter provided.

"Section 54. In case of failure to file any return required by this Act, within the time prescribed by this Act, or prescribed by the Administrator in pursuance of the provisions of this Act, twenty-five per cent of the tax shall be added as a penalty; provided, that when a return is filed after such time and it is shown that the failure to file it was due to reasonable cause, and not due to willful neglect, no such addition shall be made to the tax. The amount so added shall be collected as a part of the tax.

"Section 55. Tax debt due State; Collection. (a) If the tax imposed by this Act is not paid on the date the same is required to be paid under the provisions of this Act, the Administrator, or some person designated by him, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for ten days after such demand has been made and no proceedings have been taken to review the same, the Administrator may issue a warrant under the official seal of his office, directed to the sheriff of any county of the State, or to any State officer authorized to serve process, commanding said sheriff or other officer to levy upon and sell the property of the taxpayer, used in connection with the business for the privilege of doing which the tax is levied, found within his jurisdiction, for the payment of the amount thereof with the added penalties, interest and the cost of executing the warrant shall be returned to the Administrator, together with the money collected by virtue thereof within the time therein specified, which shall not be less than twenty (20) nor more than ninety (90) days from the date of the warrant. The sheriff or other officer to whom such warrant shall be directed shall proceed upon the same in all respects and with like effect and in the same manner as prescribed

by law in respect to executions issued against property upon judgments by a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. The State of Texas, through the Administrator, or same officer or agent designated by him, is hereby authorized to bid for and purchase any property sold under the provisions hereof.

"Section 56. In addition to the mode of collection provided herein, the Administrator may bring an action at law in the county in which the business or any part thereof is carried on to collect and recover the amount of taxes, interest and/or penalties due from any taxpayer.

"Section 57. Tax lien; Sale of business. The tax and any interest or penalties imposed by this Act shall be a lien upon the property of the taxpayer used in connection with the business for the privilege of doing which the tax is imposed. If any person liable for a tax levied hereunder shall sell out his business or stock of goods, or shall quit the business, such person shall make a final return within fifteen (15) days after the date of selling or quitting business. His successor, if any, shall be required to withhold sufficient of the purchase money to cover the amount of such taxes and interest or penalties due and unpaid until such time as the former owner shall produce a receipt from the Administrator showing that they have been paid, or a certificate stating that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by the former owner.

"Section 58. Jeopardy assessment. If the Administrator finds that a person liable for tax under any provisions of this Act resigns quickly to depart from the State, or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings be brought without delay, the Administrator shall cause notice of such finding to be given such person, together with a

demand for an immediate return and immediate payment of such tax. Thereupon such tax shall become immediately due and payable. If such person (1) is not in default in making any return or paying any tax prescribed by this Act, and (2) furnishes evidence satisfactory to the Administrator under regulations to be prescribed by the Administrator, that he will duly return and pay the tax to which the Administrator's finding relates, then such tax shall not be payable prior to the time otherwise fixed for payment.

"Section 59. Corporation; Dissolution; Withdrawal.—The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State, or organized under the laws of another State, and admitted to do business in this State, until the receipt of a notice from the Administrator to the effect that all taxes levied under this Act against any such corporation have been paid, or until he shall be notified by the Administrator that the applicant is not indebted for any taxes levied hereunder.

"Section 60. Failure to obtain license or pay tax; Injunction.—Any person against whom a tax shall be assessed as herein provided may be restrained and enjoined by proper proceedings instituted in the name of the State of Texas, brought by the Attorney General at the request of the Administrator, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of this Act, until such tax shall have been paid, and/or license secured, and until such person shall have complied with the provisions of this Act. Venue for such suits shall be fixed in Travis County, or in the county in which the taxpayer resides.

Section 61. Records and special returns.—Every person liable to any tax imposed by this Act, shall keep such records, render oath to such statements, make such returns, and comply with such rules and regulations as the Administrator may from time to time prescribe. Whenever in the judgment of the Administrator it is necessary, he may require any person by notice served upon him, to make a return, render under oath such statements, or keep such records, as the

Administrator deems sufficient to show whether or not such person is liable to tax under this Act.

"Section 62. Administrator, or deputies, may subpoena witnesses.—The Administrator may himself, or by his duly appointed deputies and agents, examine the books, records and papers of any person subject to taxation under this Act. The Administrator, or any of his deputies or agents, may issue a subpoena requiring any person to appear before him to be examined with reference to any matter within the scope of the inquiry or investigation being conducted by such Administrator, or his deputy, and to produce any books, records or papers pertaining thereto. The Administrator, or any deputy, may administer an oath to any witness concerning any matter before the Administrator. In case of disobedience of a subpoena the Administrator, or his deputy, may invoke the aid of any district court in the State of Texas in requiring the attendance and testimony of witnesses, and the production of books, papers and documents. And any of the district courts of this State, in case of refusal to obey a subpoena, may issue an order requiring such person to appear before said Administrator, or deputy, and to produce books and papers, if so ordered, and any evidence touching the matter in question, and any failure to obey such order of the court may be punished by said court as in contempt thereof.

"Section 63. Testimony; Immunity.—No person shall be excused from testifying or from producing any books, papers, records or memoranda in any investigation, or upon any hearing, when ordered to do so by the Administrator upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him, or subject him to a criminal penalty; but no person shall be prosecuted or subjected to any criminal penalty for, or on account of, any transaction made or thing concerning which he may testify or produce evidence, documentary or otherwise, before the Administrator, or his agent. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Section 64. The Administrator shall publish annually a report containing

his rulings and orders, and said report shall include such statistical information of a general character as may be deemed of general interest. Unless, in accordance with a judicial order, the Administrator, his agents or employees, or former administrator, his agents or employees, shall not divulge any facts or information obtained in connection with the administration of that portion of this Act pertaining to the tax herein levied, and all reports filed by the taxpayer shall be considered and deemed privileged and confidential information.

"Section 65. Appeal; Correction of Assessment; Injunction.—If the Administrator, after examining the return of any taxpayer, determines that the taxpayer is indebted to the State by reason of a deficiency accompanying such writ, the Administrator shall give such taxpayer notice of the intention to levy such deficiency. Such taxpayer may, if he so desires, and serves notice thereof upon the Administrator within twenty (20) days, demand a hearing on the question of the levy of such deficiency. Thereupon, the Administrator shall set a time and place for hearing and shall give the taxpayer reasonable notice thereof.

"Section 66. The taxpayer shall be entitled to appear before the Administrator and be represented by counsel, and present testimony and argument. After the hearing, the Administrator shall render his decision in writing and by order levy any deficiency found by him to be due and payable.

"Section 67. If any taxpayer is aggrieved by any decision of the Administrator, he shall be required to pay the amount of the taxes, interest and penalties found to be due by the Administrator, and shall be permitted to bring an action in the district court in the county in which the business, on the gross receipts of which the tax is levied, is carried on, to recover the amount of the taxes alleged to have been unlawfully levied upon him. Such action shall be conducted in accordance with the statutes and rules of procedure now applicable to civil suits in the State of Texas. The taxes paid by such aggrieved taxpayer on such deficiency shall be deposited with the State Treasurer in the "Suspense Account" and shall be so held by the Treasurer pending the final determination of said suit.

"Section 68. Any action brought under the preceding section shall be against the State of Texas, and citation shall issue thereon to the Administrator, and to the County Attorney of the county in which said suit is brought.

"Section 69. In the event any taxpayer is found entitled to recover any sums paid pursuant to the orders of this Administrator, as hereinbefore provided, such sums shall be paid from the Suspense Account on order of the Administrator and upon the warrant of the Comptroller.

"Section 70. No injunction shall issue to stay proceedings for assessment or collection of any taxes levied under this Act.

"Section 71. Offenses; Penalties.—It shall be unlawful for any person to refuse to make the return required by this Act, or to make any false or fraudulent return, or any false statement in any return, with intent to defraud the State, or to avoid the payment of the tax, or any part thereof, imposed by this Act, or for any person to aid or abet another in any act to evade payment of the tax, or any part thereof, imposed by this Act, or for the president, vice-president, secretary, treasurer, or any officer or employee of any company to make or permit to be made for any company, corporation or association any false return, or any false statement in any return required in this Act, with the intention to evade the payment of any tax hereunder.

"71a. Persons violating any of the provisions of this Act shall be guilty of a felony and on conviction thereof shall be imprisoned in the State Penitentiary for a period of not less than one nor more than five years. In addition to the foregoing penalty, any person who shall knowingly swear to or verify any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of false swearing, and on conviction thereof shall be punished in the manner provided by law.

"Section 72. Any person who shall engage in any business in this State which is taxable under this Act, and who fails to secure from the Administrator a certificate to engage in such business after a certificate to do so shall have expired, or shall have been suspended by the Administrator, with the intent to defraud the State, shall

be guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment for not more than one year, or by both fine and imprisonment.

"Section 73. The Administrator shall have the power, after a hearing to suspend the certificate of any person who shall violate or fail to comply with any provisions of this Act, or any rule or regulation promulgated by the Administrator, pursuant to the provisions of this Act. The Administrator shall have the power to restore certificate after suspension. If any person shall engage in business taxable under this Act while his certificate is in suspension, the tax imposed with respect thereto shall nevertheless be imposed and be payable with respect to such business.

"Section 75. The sums of money received and collected under the provisions of this Act shall be deposited by the Administrator in the State Treasury to the credit of the Old Age Assistance Fund hereby authorized to be set up for said purpose.

"The following amounts are hereby appropriated from said fund for the specific uses and purposes set forth, as follows:

"1. To the Administrator of Old Age Assistance for the fiscal years ending August 31, 1936 and August 31, 1937, the amount necessary to defray the expenses of administering this Act, not to exceed three per cent of the total revenues derived under the provisions of this Act.

"2. A sufficient sum of money to pay the Old Age Assistance Compensation as provided for under the terms of this Act.

"3. If, on August 31st, 1937, or on any succeeding August 31st thereafter, any funds remain in said Old Age Assistance Fund after the payment of the expenses of the administration of this Act, as herein provided, and after payment of the maximum amount of old age assessments provided for under the terms of this Act, any residue which remains in said Fund shall revert to the General Fund of the State of Texas. In determining the amount of such residue, the State Treasurer shall take into account and make allowance for any outstanding warrants previously issued.

"Section 76. Definitions. That when used in the tax sections of this Act, the following definitions shall be applied:

"(a) The term 'person' includes any individual, firm, co-partnership, joint adventure, association, corporation, company, estate, trust, or any other group of combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'sale at retail' shall not include exchange or transfers of commodities, articles or substances sold for manufacturing or industrial purposes, and the following shall be the test of whether or not the subject matter of the sale is to be used for a manufacturing or industrial purpose. If the subject matter of the sale is to be added to the fixed capital investment of the purchaser the same shall be deemed retail sale, but if the same is not to be added to the fixed capital investment of the purchaser but is to be used or consumed in processing or manufacturing other articles, commodities, or substances the same shall not be deemed to be a sale at retail.

"(bb) The term 'sale at retail' means any transaction by which is transferred for a consideration the ownership of tangible personal property when such transfer is made in the ordinary course of the transferor's business and is made to the transferee for consumption or use, or for any other purpose than for resale in the form of tangible personal property. The term 'sale at retail' includes conditional sales, installment lease sales, and any other transfer of such property when the title is retained as security for the purchase price but is intended to be transferred later.

"(c) The term 'sale at retail' shall not include an isolated transaction in which any tangible property is sold, transferred, offered for sale, or delivered by the owner thereof or by his representative for the owner's account, such sale, transfer or offer for sale, or delivery, not being made in the ordinary course of repeated and successive transactions of a like character by such owner, or on his account by such representative; and shall not include sales by the producer of farm products, livestock or livestock products, dairy products or poultry or poultry products.

"(d) The term 'sale at retail' includes also the sale of electricity for light, heat and power, and the sale of natural and artificial gas when made to the consumer or user for consumption or use, rather than for re-sale.

"(e) All sales of admittance or admission to athletic contests, theatres, both motion picture and stage performances, circuses, carnivals, dance halls and other places of amusement shall be deemed retail business within the meaning of this section and shall be taxable.

"(f) The furnishing of the following services shall be deemed to be sales at retail and shall be taxable: bucket shops and dealing in futures, boards of trade or exchange, hedging, and transactions involved in any future contract of sale of grain and/or cotton, whether the actual commodity is intended to be delivered or only nominally referred to, upon each and every privilege or option for a contract either of purchase or sale of grain or cotton, intending hereby to tax only the transactions known to the trade as 'privileges,' 'bids,' 'offers,' 'puts and calls,' 'indemnities,' or 'ups and downs.' (No tax shall be levied or paid where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is grown, or is an association of such owners, or growers, of grain or cotton, or of such owners or renters of land.) Also washing and greasing of automobiles and furnishing materials therefor; storing automobiles for hire, mechanical work and repairs on automobiles and other machines; barber shops, beauty parlors and services obtained therein; cleaning, dyeing, pressing, alteration, repair, valet and laundry services of wearing apparel and articles of all description; funeral directing and embalming, photography in all forms; adjustment and credit bureaus and collecting agencies; blue-printing and photostatic laboratories; broadcasting stations; cartage, motor and trucking establishments; linen supply service; storage warehouses; automobile painting; electrical repair and construction of all kinds; mattress renovating; plumbing and heating repairs; radio repairs; tin and sheet metal repairs; upholstery and furniture repairs; watch, clock and jewel-

ry repairs; welding shops and repair work; billiard, pool, keno and bowling alley parlors; advertising agencies and billboard and newspaper advertising; sign painting; preparing and selling abstracts of titles or certificates of title, title guarantees and title insurance, for whatever purpose such abstracts of title, certificate of title, title guaranty or title insurance may be used; contracting to erect, build, construct, repair or maintain any building, house, bridge, paving, roadway, walk, railroad, excavation of any character, embankments of any character and dams; inn keeping, which shall include the operation of hotels, tourist camps and restaurants, either separately or in conjunction with each other; coin operated machines; marble machines, phonographs, electrical pianos, electrical batteries, graphophones, weighing machines, target pistols, miniature golf machines, miniature football machines, miniature baseball machines, miniature race track machines, stereoscope machines, gum machines, candy machines, handkerchief machines, sandwich machines, or any other class or kind of machines whether operated by coin, slug or check which is used for the purpose of operating games for amusement or for vending machines or for any similar purpose, whether enumerated or not, where a fee is charged, except pay telephones, gas meters, pay toilets, machines vending U. S. postage stamps and machines vending sanitary drinking cups.

"(g) The term 'sale at retail' includes also transaction or service and shall be taxable; any place of amusement which charges a price or fee for admission, including exhibition in theatres, motion picture theatres, opera halls, and including pugilistic, fistic or wrestling exhibitions or contests, and including horse racing, motorcycle racing, automobile racing, shooting galleries and like contests and exhibitions, and including football games, baseball games, tennis matches, golf tournaments and all other like games or exhibitions, and including dance halls, skating rinks and any and all other like places of amusement; loaning money on automobiles, mechanical refrigeration and radios or operating any finance agency or company which deals, operates or makes a practice of loaning money on automobiles, mechanical re-

frigeration and radios covered by mortgages.

"(h) The term 'sale at retail' includes also the sale and supply of all services and transactions, rendered or delivered or made to the consumer or used for consumption or use, whether herein named or enumerated or not, which now pay a gross receipt and/or gross production tax, or intangible tax, or occupation tax.

"(i) The term 'gross receipts' means the amount received in money, credits, property or other thing of value in consideration of sale at retail within this State, without any deduction on account of the cost of the property sold, the cost of materials used, the cost of labor or services purchased, amounts paid for interest or discounts, or any other expenses whatsoever, nor shall any deduction be allowed for losses, credits or refunds. The sale price of returned goods may be deducted.

"(j) The term 'business' includes all activities engaged in by any person, or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

"(k) The term 'tax year' or 'taxable year' means the fiscal year of the State of Texas, or the taxpayers' fiscal year, when permission is obtained by him from the Administrator to use his fiscal year as the tax period in lieu thereof.

"(l) The word 'taxpayer' means any person liable for any tax hereunder.

"(m) The word 'tax' shall include all taxes, interest or penalties levied under this Act.

"Section 77. The Administrator shall have the authority to prepare such forms as may be necessary for the Administration of this Act, and to promulgate rules and regulations, not inconsistent with the provisions hereof for the purpose of placing same into effect.

"Section 78. Each section of this Act, and subsection, sentence, clause and phrase is hereby declared to be independently operative, and if any section, subsection, sentence, clause or phrase of this Act shall be declared invalid by any court of competent jurisdiction, it shall not effect or invalidate the remainder of this Act.

"Section 79. The fact that the citizens of Texas by their recent over-

whelming vote have expressed their desire to give the citizens of this State past the age of 65 years the assistance herein granted, and the further fact that there are many citizens who are over the age of 65 years and who are unemployed and do not have sufficient funds to buy the actual necessities of life, and they are in actual need at this time, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each house, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Hartzog moved, as a substitute for the motion by Mr. Pope, that the Conference Committee on House Bill No. 46 be sent without instructions.

Mr. Hofheinz raised a point of order on further consideration of the motion by Mr. Hartzog, on the ground that such a motion is not authorized by the Rules.

The Speaker overruled the point of order.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Hartzog, on the ground that the motion is not a proper substitute.

The Speaker overruled the point of order.

Mr. Cooper moved the previous question on the motion by Mr. Hartzog, and the main question was ordered.

Question recurring on the motion by Mr. Hartzog, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas 68, nays 62.

Mr. Aikin called for a verification of the vote.

The roll of the "yeas" was then called and the vote announced as follows:

Yeas—69

Alexander	Collins
Alsup	Colquitt
Ash	Colson
Bergman	Cooper
Bradford	Cowley
Butler of Brazos	Crossley
Butler of Karnes	Davis
Calvert	Davison of Fisher
Celaya	Dunagan
Clayton	Dunlap of Hays

Duvall	Luker
Farmer	Mauritz
Fisher	McKee
Ford	McKinney
Fox	Moore
Frazer	Morrison
Gibson	Olsen
Good	Quinn
Gray	Reed of Dallas
Greathouse	Riddle
Hankamer	Roach of Angelina
Harris of Dallas	Roane
Hartzog	Roberts
Herzik	Scarborough
Hill	Sessions
Hodges	Settle
Holland	Steward
Hoskins	Stinson
Jackson	Thornton
James	Tillery
Jones of Atascosa	Waggoner
King	Walker
Latham	Westfall
Lemens	Wood of Montague
Leonard	

Nays—63

Adamson	Keefe
Adkins	Lanning
Aikin	Leath
Atchison	Lindsey
Beck	Lotief
Bourne	Lucas
Broyles	McConnell
Burton	McFarland
Cagle	Morris
Canon	Newton
Craddock	Padgett
Daniel	Palmer
Davisson	Patterson
of Eastland	Payne
Dickison	Pope
Dwyer	Reader
England	Reed of Bowie
Fain	Roach of Hunt
Fuchs	Roark
Glass	Rogers
Graves	Russell
Hanna	Shofner
Hardin	Smith
Harris of Archer	Spears
Hofheinz	Stovall
Huddleston	Tarwater
Hunt	Tennyson
Hunter	Venable
Jefferson	Wells
Jones of Falls	Wood of Harrison
Jones of Shelby	Worley
Jones of Wise	Youngblood

Absent

Caldwell	Head
Dunlap of Kleberg	Knetsch

McCalla
Rutta

Stanfield

Absent—Excused

Bradbury
Fitzwater
Howard
Hyder
Lange

Moffett
Morse
Nicholson
Petsch
Young

(Mr. Aikin withdrew the request for a verification of those voting "nay.")

The Speaker announced that the motion of Mr. Hartzog, that the Committee be sent without instructions, prevailed.

Mr. Harris of Dallas moved to reconsider the vote by which the motion by Mr. Hartzog prevailed.

Mr. Hartzog moved to table the motion by Mr. Harris of Dallas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—55

Alexander	Hoskins
Alsup	Jackson
Bergman	James
Bradford	Jones of Atascosa
Butler of Karnes	King
Calvert	Latham
Celaya	Leath
Clayton	Lemens
Collins	Leonard
Colquitt	Luker
Cooper	Mauritz
Cowley	McKinney
Crossley	Moore
Davis	Morrison
Dunagan	Olsen
Duvall	Riddle
Farmer	Roane
Fisher	Roberts
Ford	Scarborough
Fox	Sessions
Frazer	Settle
Gibson	Steward
Good	Stinson
Gray	Thornton
Hankamer	Waggoner
Hartzog	Walker
Hill	Westfall
Hodges	

Nays—78

Adamson	Beck
Adkins	Bourne
Aikin	Broyles
Ash	Burton
Atchison	Butler of Brazos

Cagle	Lotief
Canon	Lucas
Colson	McConnell
Craddock	McFarland
Daniel	McKee
Davison of Fisher	Morris
Davisson	Newton
of Eastland	Padgett
Dickison	Palmer
Dunlap of Hays	Patterson
Dwyer	Payne
England	Quinn
Fain	Reader
Fuchs	Reed of Bowie
Glass	Reed of Dallas
Graves	Roach of Angelina
Greathouse	Roach of Hunt
Hanna	Roark
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Head	Shofner
Hierzik	Smith
Hofheinz	Spears
Holland	Stovall
Huddleston	Tarwater
Hunt	Tennyson
Hunter	Tillery
Jefferson	Venable
Jones of Falls	Wells
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley
Lanning	Youngblood
Lindsey	

Absent

Caldwell	McCalla
Dunlap of Kleberg	Pope
Knetsch	Stanfield

Absent—Excused

Bradbury	Moffett
Fitzwater	Morse
Howard	Nicholson
Hyder	Petsch
Lange	Young

Question recurring on the motion by Mr. Harris of Dallas to reconsider the vote by which the motion by Mr. Hartzog prevailed, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—81

Adamson	Bourne
Adkins	Bradford
Aikin	Broyles
Ash	Burton
Atchison	Butler of Brazos
Beck	Cagle

Canon	Lanning
Colson	Leath
Craddock	Lindsey
Daniel	Lotief
Davison of Fisher	Lucas
Davisson	McConnell
of Eastland	McFarland
Dickson	Moffett
Dunlap of Hays	Morris
Dwyer	Newton
England	Padgett
Fain	Payne
Farmer	Reader
Fisher	Reed of Bowie
Fuchs	Reed of Dallas
Glass	Roach of Angelina
Graves	Roach of Hunt
Greathouse	Roark
Hanna	Rogers
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Shofner
Head	Smith
Herzik	Spears
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Huddleston	Tillery
Hunt	Venable
Hunter	Wells
Jefferson	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Youngblood

Nays—51

Alexander	Jackson
Alsup	James
Bergman	Jones of Atascosa
Butler of Karnes	King
Calvert	Latham
Celaya	Lemens
Clayton	Leonard
Collins	Luker
Colquitt	Mauritz
Cooper	McKee
Cowley	McKinney
Crossley	Moore
Davis	Morrison
Dunagan	Olsen
Dunlap of Kleberg	Quinn
Duvall	Roane
Ford	Roberts
Fox	Scarborough
Frazer	Sessions
Gibson	Settle
Good	Steward
Gray	Stinson
Hankamer	Thornton
Hartzog	Waggoner
Hill	Walker
Hodges	

Absent

Caldwell	Patterson
Knetsch	Pope
McCalla	Riddle
Palmer	Stanfield

Absent—Excused

Bradbury	Morse
Fitzwater	Nicholson
Howard	Petsch
Hyder	Young
Lange	

Mr. Riddle moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion was lost.

Mr. Palmer moved a call of the House for the purpose of maintaining a quorum until the matter of instruction of the Conferees on House Bill No. 46 is disposed of, and the call was duly ordered.

On motion of Mr. Palmer, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Worley moved the previous question on the pending motions on the Speaker's desk, to instruct the Conference Committee on House Bill No. 46, and the main question was ordered.

Mr. Latham moved to reconsider the vote by which the main question was ordered.

Question recurring on the motion by Mr. Latham, to reconsider the vote by which the main question was ordered, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—52

Aikin	Gibson
Alexander	Good
Alsup	Gray
Bourne	Hankamer
Bradbury	Hartzog
Bradford	Hodges
Broyles	Hoskins
Burton	Hunt
Butler of Brazos	Jackson
Celaya	James
Colson	King
Cooper	Knetsch
Cowley	Latham
Davison of Fisher	Leath
Dunagan	Leonard
Duvall	McKee
Dwyer	McKinney

Moore	Scarborough
Morrison	Settle
Morse	Steward
Patterson	Stinson
Roach of Angelina	Thornton
Roane	Venable
Roberts	Walker
Russell	Westfall
Rutta	Wood of Harrison

Nays—79

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Ash	Jones of Shelby
Atchison	Jones of Wise
Beck	Keefe
Butler of Karnes	Lanning
Cagle	Lemens
Calvert	Lindsey
Canon	Lotief
Collins	Lucas
Colquitt	Luker
Craddock	Mauritz
Daniel	McCalla
Davisson	McConnell
of Eastland	McFarland
Dickison	Morris
Dunlap of Hays	Newton
Dunlap of Kleberg	Padgett
England	Payne
Fain	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Riddle
Frazer	Roach of Hunt
Fuchs	Roark
Glass	Rogers
Graves	Sessions
Greathouse	Shofner
Hanna	Smith
Hardin	Spears
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Head	Tennyson
Herzik	Tillery
Hofheinz	Wells
Holland	Wood of Montague
Huddleston	Worley
Hunter	Young
Jefferson	Youngblood

Absent

Bergman	Olsen
Caldwell	Palmer
Clayton	Pope
Crossley	Stanfield
Davis	Waggoner
Hill	

Absent—Excused

Fitzwater	Hyder
Howard	Lange

Moffett	Petsch
Nicholson	

Question again recurring on the motion by Mr. Hartzog, that the Conference Committee on House Bill No. 46, be sent without instructions, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—59

Alexander	Jones of Atascosa
Alsup	King
Atchison	Knetsch
Bergman	Latham
Bradford	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Luker
Calvert	Mauritz
Clayton	McKee
Collins	McKinney
Colquitt	Moore
Colson	Morrison
Cooper	Patterson
Cowley	Pope
Crossley	Quinn
Davis	Riddle
Davison of Fisher	Roane
Dunagan	Roberts
Duvall	Scarborough
Ford	Sessions
Fox	Settle
Frazer	Steward
Gibson	Stinson
Good	Tarwater
Gray	Thornton
Hankamer	Tillery
Hartzog	Walker
Hodges	Westfall
Jackson	Young
James	

Nays—75

Adamson	Fuchs
Adkins	Glass
Aikin	Graves
Beck	Greathouse
Bourne	Hanna
Bradbury	Hardin
Broyles	Harris of Archer
Burton	Harris of Dallas
Cagle	Head
Canon	Herzik
Craddock	Hofheinz
Daniel	Holland
Davisson	Hoskins
of Eastland	Huddleston
Dickison	Hunt
Dunlap of Hays	Hunter
Dunlap of Kleberg	Jefferson
England	Jones of Falls
Fain	Jones of Shelby
Farmer	Jones of Wise
Fisher	Keefe

Lanning	Roach of Angelina
Leath	Roach of Hunt
Lindsey	Roark
Lotief	Rogers
Lucas	Russell
McCalla	Rutta
McConnell	Shofner
McFarland	Smith
Morris	Spears
Morse	Stovall
Newton	Tennyson
Padgett	Venable
Palmer	Wells
Payne	Wood of Harrison
Reader	Wood of Montague
Reed of Bowie	Worley
Reed of Dallas	Youngblood

Absent

Ash	Hill
Caldwell	Olsen
Celaya	Stanfield
Dwyer	Waggoner

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Mr. Hofheinz moved that the House Rule, which relates to the time allotted for debate, be suspended, at this time, for the purpose of making a motion to limit debate to three minutes for each speaker, on the motions to instruct the Conferees on House Bill No. 46.

The motion prevailed.

Mr. Hofheinz then moved that debate be limited to three minutes for each speaker on the motions to instruct the Conferees on House Bill No. 46.

The motion prevailed.

Question then recurring on the motion by Mr. Pope, to instruct the Conference Committee on House Bill No. 46, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Alsup	McKinney
Celaya	Moore
Duvall	Pope
Jones of Atascosa	Steward
King	Westfall
Luker	

Nays—115

Adamson	Atchison
Adkins	Beck
Aikin	Bourne
Alexander	Bradbury

Bradford	Jones of Wise
Broyles	Keefe
Burton	Knetsch
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Leath
Calvert	Lemens
Canon	Lindsey
Clayton	Lotief
Collins	Lucas
Colquitt	Mauritz
Colson	McCalla
Cooper	McConnell
Cowley	McFarland
Craddock	McKee
Daniel	Morris
Davison of Fisher	Morrison
Davisson	Morse
of Eastland	Newton
Dickison	Padgett
Dunlap of Hays	Palmer
Dwyer	Patterson
England	Payne
Fain	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Riddle
Frazer	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roane
Glass	Roark
Graves	Roberts
Gray	Rogers
Greathouse	Russell
Hanna	Rutta
Hardin	Scarborough
Harris of Archer	Sessions
Harris of Dallas	Settle
Hartzog	Shofner
Head	Spears
Herzik	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Huddleston	Venable
Hunt	Walker
Hunter	Wells
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Worley
Jones of Falls	Young
Jones of Shelby	Youngblood

Absent

Ash	Hankamer
Bergman	Hill
Caldwell	Leonard
Crossley	Olsen
Davis	Smith
Dunagan	Stanfield
Dunlap of Kleberg	Tillery
Good	Waggoner

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Mr. Aikin submitted the following motion:

Mr. Speaker:

"We move that the Conference Committee on House Bill No. 46, be instructed not to put any form of sales tax and/or gross proceeds tax in the conference report."

AIKIN,
READER,
LOTIEF,
DAVISON of Fisher,
HARRIS of Dallas,
GREATHOUSE,
WOOD of Harrison.

Mr. Roberts offered the following amendment to the motion by Mr. Aikin:

Amend the Aikin motion by inserting the word "general" before the words "sales tax" wherever such words appear in said resolution.

Question recurring on the amendment by Mr. Roberts, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—46

Alexander	Hunt
Alsup	James
Bergman	Jones of Atascosa
Bradford	King
Butler of Brazos	Knetsch
Caldwell	Lemens
Calvert	Luker
Collins	McCalla
Cowley	McKinney
Crossley	Moore
Davis	Morse
Duvall	Quinn
England	Riddle
Fain	Roane
Ford	Roberts
Glass	Rogers
Good	Settle
Gray	Steward
Hankamer	Thornton
Hanna	Tillery
Harris of Archer	Walker
Hodges	Wells
Huddleston	Westfall

Nays—77

Adamson	Aikin
Adkins	Beck

Bourne	Lanning
Bradbury	Latham
Broyles	Leath
Burton	Lindsey
Cagle	Lotief
Canon	Lucas
Colquitt	Mauritz
Cooper	McConnell
Craddock	McFarland
Davison of Fisher	McKee
Davisson	Morris
of Eastland	Morrison
Dickison	Newton
Dunagan	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Patterson
Farmer	Payne
Fisher	Reader
Fox	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Graves	Roark
Hardin	Russell
Harris of Dallas	Scarborough
Hartzog	Sessions
Head	Shofner
Herzik	Spears
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tarwater
Hunter	Tennyson
Jefferson	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Keefe	Youngblood

Absent

Ash	Jackson
Atchison	Leonard
Butler of Karnes	Olsen
Celaya	Pope
Clayton	Rutta
Colson	Smith
Daniel	Stanfield
Dwyer	Venable
Greathouse	Waggoner
Hill	

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Question then recurring on the motion by Mr. Aikin, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—92

Adamson	Aikin
Adkins	Atchison

Beck	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Broyles	Keefe
Burton	Lanning
Cagle	Latham
Canon	Lemens
Collins	Leonard
Colquitt	Lotief
Colson	Lucas
Cooper	Mauritz
Cowley	McCalla
Craddock	McConnell
Crossley	McFarland
Daniel	McKee
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Padgett
Dunlap of Hays	Palmer
England	Patterson
Fain	Payne
Farmer	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Gibson	Russell
Glass	Rutta
Graves	Settle
Greathouse	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Stinson
Hartzog	Stovall
Head	Tarwater
Herzik	Tennyson
Hodges	Venable
Hofheinz	Wells
Holland	Wood of Harrison
Hoskins	Wood of Montague
Hunt	Worley
Hunter	Youngblood
Jefferson	

Nays—40

Alexander	Huddleston
Alsup	James
Bergman	Jones of Atascosa
Bradford	King
Butler of Brazos	Knetsch
Butler of Karnes	Leath
Caldwell	Lindsey
Calvert	Luker
Celaya	McKinney
Clayton	Moore
Davis	Morse
Dunagan	Pope
Duvall	Riddle
Dwyer	Roane
Good	Roberts
Hankamer	Rogers
Hanna	Scarborough

Sessions	Tillery
Steward	Walker
Thornton	Westfall

Absent

Ash	Olsen
Dunlap of Kleberg	Quinn
Gray	Stanfield
Hill	Waggoner
Jackson	

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	Young

Mr. Davisson of Eastland submitted the following motion:

Mr. Speaker:

"We move that the Conference Committee on House Bill No. 46 be instructed to retain the income tax provision."

DAVISSON
of Eastland,
ASH,
GLASS,
FARMER,
LOTIEF.

Question recurring on the motion by Mr. Davisson of Eastland, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55

Adamson	Hunt
Alsup	Jefferson
Atchison	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Broyles	Keefe
Butler of Brazos	Lanning
Cagle	Lemens
Canon	Lotief
Craddock	Lucas
Daniel	Luker
Davison of Fisher	Mauritz
Davisson	McConnell
of Eastland	Morris
Fain	Palmer
Farmer	Patterson
Fisher	Roach of Hunt
Fox	Roark
Fuchs	Rogers
Glass	Russell
Greathouse	Smith
Hardin	Spears
Harris of Archer	Stovall
Head	Tarwater
Herzik	Tillery
Huddleston	Venable

Walker
Wood of Montague

Worley
Youngblood

Nays—77

Adkins	Jackson
Aikin	Jones of Atascosa
Alexander	King
Beck	Knetsch
Bergman	Latham
Bradford	Leath
Burton	Lindsey
Butler of Karnes	McCalla
Caldwell	McFarland
Calvert	McKee
Celaya	McKinney
Clayton	Moore
Collins	Morse
Colquitt	Newton
Cooper	Padgett
Cowley	Payne
Crossley	Pope
Davis	Quinn
Dickison	Reader
Dunagan	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Duvall	Riddle
Dwyer	Roach of Angelina
England	Roane
Ford	Roberts
Frazer	Rutta
Gibson	Scarborough
Good	Sessions
Graves	Settle
Gray	Shofner
Hankamer	Steward
Hanna	Stinson
Harris of Dallas	Tennyson
Hartzog	Thornton
Hodges	Wells
Hofheinz	Westfall
Holland	Wood of Harrison
Hoskins	Young
Hunter	

Absent

Ash	Leonard
Colson	Morrison
Dunlap of Kleberg	Olsen
Hill	Stanfield
James	Waggoner

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Mr. McCalla submitted the following motion:

Mr. Speaker:

"We move that the House Conferees on House Bill No. 46, be instructed to include in the conference report on

said bill no provision for an income tax."

McCALLA,
NEWTON,
JONES of Atascosa,
THORNTON.

Question recurring on the motion by Mr. McCalla, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—48

Aikin	Latham
Bergman	McCalla
Butler of Karnes	McFarland
Celaya	McKee
Collins	McKinney
Colquitt	Moore
Cooper	Morse
Cowley	Newton
Crossley	Padgett
Davis	Payne
Duvall	Pope
England	Reader
Ford	Reed of Dallas
Gibson	Riddle
Gray	Roach of Angelina
Hankamer	Roane
Hanna	Roberts
Harris of Dallas	Rutta
Hofheinz	Smith
Holland	Steward
Hunter	Stinson
Jackson	Thornton
Jones of Atascosa	Wells
King	Young

Nays—78

Adamson	Farmer
Adkins	Fisher
Alexander	Fox
Alsup	Fuchs
Beck	Glass
Bourne	Graves
Bradbury	Greathouse
Bradford	Hardin
Broyles	Harris of Archer
Burton	Hartzog
Butler of Brazos	Head
Cagle	Herzik
Calvert	Hoskins
Canon	Huddleston
Clayton	Hunt
Craddock	James
Daniel	Jefferson
Davison of Fisher	Jones of Falls
Davison of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe
Dunlap of Hays	Knetsch
Fain	Lanning
	Leath

Lemens	Scarborough
Lindsey	Sessions
Lotief	Settle
Lucas	Spears
Luker	Stovall
Mauritz	Tarwater
McConnell	Tennyson
Morris	Tillery
Morrison	Venable
Palmer	Walker
Patterson	Westfall
Reed of Bowie	Wood of Harrison
Roach of Hunt	Wood of Montague
Roark	Worley
Rogers	Youngblood
Russell	

Absent

Ash	Hill
Atchison	Hodges
Caldwell	Leonard
Colson	Olsen
Dunlap of Kleberg	Quinn
Dwyer	Shofner
Frazer	Stanfield
Good	Waggoner

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Mr. Roach of Hunt submitted the following motion:

"I move that the Conferees on House Bill No. 46, be instructed to incorporate in their report a provision increasing the occupation tax on oil produced within this State of two (2c) cents per barrel of 42 standard gallons; said tax to be in lieu of and in addition to the present tax on oil of two (2c) cents per barrel of 42 standard gallons—and—to exclude any provisions for a general sales tax."

ROACH of Hunt.

Mr. Latham raised a point of order on further consideration of the motion by Mr. Roach of Hunt, on the ground that the motion seeks to instruct the Committee to do that which is impossible under the terms of the motion.

The Speaker sustained the point of order.

Mr. Worley submitted the following motion:

Mr. Speaker:

"I move that the Conference Committee be instructed to report House Bill No. 46 back to the House, by 4:30 o'clock p. m., Wednesday."

WORLEY.

Question recurring on the motion by Mr. Worley, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—61

Adkins	King
Aikin	Lanning
Alsup	Lotief
Beck	Lucas
Bourne	Mauritz
Bradford	McConnell
Broyles	McFarland
Burton	McKinney
Butler of Brazos	Morris
Cagle	Newton
Celaya	Palmer
Colquitt	Patterson
Daniel	Payne
Davison of Fisher	Pope
Davisson	Quinn
of Eastland	Reed of Bowie
Fain	Reed of Dallas
Farmer	Roach of Hunt
Fisher	Rogers
Fox	Rutta
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Graves	Spears
Hardin	Tarwater
Harris of Dallas	Tennyson
Herzik	Tillery
Hunt	Westfall
Hunter	Wood of Montague
Jones of Falls	Worley
Keefe	Youngblood

Nays—69

Adamson	Hankamer
Alexander	Hanna
Atchison	Harris of Archer
Bergman	Hartzog
Bradbury	Head
Butler of Karnes	Hodges
Caldwell	Hofheinz
Calvert	Holland
Canon	Hoskins
Clayton	Jackson
Collins	James
Cooper	Jones of Atascosa
Cowley	Jones of Shelby
Craddock	Jones of Wise
Crossley	Knetsch
Dickison	Latham
Dunagan	Leath
Dunlap of Hays	Lemens
Duvall	Lindsey
Dwyer	Luker
Ford	McCalla
Frazer	McKee
Good	Moore
Gray	Morrison

Morse	Steward
Padgett	Stinson
Reader	Stovall
Riddle	Thornton
Roach of Angelina	Venable
Roane	Waggoner
Roark	Walker
Roberts	Wells
Russell	Wood of Harrison
Scarborough	Young
Sessions	

Present—Not Voting

Davis

Absent

Ash	Huddleston
Colson	Jefferson
Dunlap of Kleberg	Leonard
England	Olsen
Greathouse	Stanfield
Hill	

Absent—Excused

Fitzwater	Moffett
Howard	Nicholson
Hyder	Petsch
Lange	

Mr. Daniel submitted the following motion:

"I move that the House members of the Conference Committee on House Bill No. 46, be instructed to vote against the retention of any form of sales tax without the inclusion of an income tax in said bill."

DANIEL.

Mr. Aikin raised a point or order on further consideration of the motion by Mr. Daniel, on the ground that the motion conflicts with a previous motion adopted by the House.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Daniel, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—21

Alsup	James
Bourne	Jones of Wise
Bradbury	Lindsey
Butler of Karnes	Lotief
Calvert	Luker
Daniel	Rogers
Davisson	Settle
of Eastland	Tillery
Duvall	Walker
Fain	Wood of Montague
Hunt	Worley

Nays—108

Adamson	Aikin
Adkins	Alexander

Atchison	King
Bergman	Knetsch
Broyles	Lanning
Burton	Latham
Butler of Brazos	Leath
Cagle	Lemens
Caldwell	Leonard
Canon	Lucas
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKee
Cooper	McKinney
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davison of Fisher	Padgett
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Payne
Dwyer	Pope
England	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Riddle
Frazer	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roane
Glass	Roark
Good	Roberts
Gray	Russell
Greathouse	Rutta
Hankamer	Scarborough
Hanna	Sessions
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Head	Steward
Herzik	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Hunter	Venable
Jackson	Waggoner
Jefferson	Wells
Jones of Atascosa	Wood of Harrison
Jones of Falls	Young
Jones of Shelby	Youngblood

Absent

Ash	Hill
Beck	Huddleston
Bradford	Keefe
Dunlap of Kleberg	Olsen
Graves	Stanfield
Hartzog	Westfall

Absent—Excused

Fitzwater	Hyder
Howard	Lange

Moffett
Morse

Nicholson
Petsch

The Speaker announced the appointment of the following Conference Committee on House Bill No. 46: Messrs. Frazer, James, McKinney, Good and Hankamer.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 68, "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

H. B. No. 105, "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory or extending and prescribing the corporate limits of any incorporated city incorporated and functioning under the General Laws of Texas under Commission Form of Government, and declaring an emergency."

H. B. No. 118, "An Act reappropriating an appropriation of Seventy-five Thousand (\$75,000.00) Dollars made by Acts of the Regular Session, Forty-fourth Legislature, Chapter 352, page 868, for the purpose of remodeling and re-equipping hospital building at the State Hospital for Crippled and Deformed Children at Galveston, Texas; providing that said appropriation shall be used for the purpose of erecting a new hospital building; appropriating an additional Thirty-five Thousand (\$35,000.00) Dollars for such purpose; and declaring an emergency."

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,
Austin, Texas, November 12, 1935.
To the Members of the Forty-fourth Legislature.
(In Second Called Session):

I hereby submit for your consideration the following matters:

1

Local game bills by Dunagan, Hardin, Atchison, Keefe and Newton, affecting their counties only.

2

A bill by Jefferson and Senator Hill to correct a defect in the Cosmetology Board bill so as to continue the appropriations for such board out of fees received after August 31, 1936.

Due to an error, under the present bill this automatically expires August 31, 1936.

3

A bill by Rutta to amend the local road law of Colorado County.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Craddock, Mr. Dunagan and Mr. Cooper:

H. B. No. 135, A bill to be entitled "An Act abolishing the office of the District Attorney in the Seventh Judicial District of Texas composed of the Counties of Wood, Upshur and Smith; providing that the county attorney of the several counties affected hereby shall perform the duties heretofore performed by the District Attorney in said Seventh Judicial District; providing for the effective date hereof, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Hardin:

H. B. No. 136, A bill to be entitled "An Act making it unlawful to take or kill mourning doves or quail in Bastrop, Brazos, Burleson, Fayette, Grimes, Lee, Milam, Montgomery, Robertson, San Jacinto or Washington Counties at any time other than during the period December 1st to January 16th; providing bag limits and weekly limits for such birds; providing a penalty; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Rutta:

H. B. No. 137, A bill to be entitled "An Act to amend Section 3, of Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legislature, known as, An Act to provide a more efficient road system for Colorado County, so as to provide for the laying off of the said county into convenient road precincts, the numbering thereof, describing such precincts by boundaries, providing for the manner of discontinuance of roads and parts of roads, and providing for reversion of the right of way of roads and/or parts of roads, under certain condition in certain cases, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

ADJOURNMENT

Mr. Knetsch moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Lemens moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Lemens, it prevailed, and the House, accordingly, at 7:30 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Appropriations: House Bill No. 134.

Education: Senate Bills Nos. 18, 19, 23, and 31.

Municipal and Private Corporations: Senate Bill No. 30.

State Affairs: House Concurrent Resolution No. 18.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 18, Granting Wade Robiuon, permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 22, Providing for the taking effect of House Bill No. 26.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of each respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers

and employes of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Regular Session and the First Called Session of the Forty-fourth Legislature; providing for a public record of money appropriated under this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 122, A bill to be entitled "An Act amending House Bill No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the Forty-fourth Legislature, 1935 Regular Session, by adding thereto a Section to be known as Section 6a, providing that a common school district in a county whose population as shown by the last Federal Census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollars property valuation, and has voted a tax levy of seventy-five (75) cents on the one hundred dollar valuation, may receive aid for a one-teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, November 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 112, An Act providing that wherever a person has died or may die, testate, owning property in Texas, and such person's will has been or may be admitted to probate by the County Court, and such probated will names an independent executor, or executors, and/or trustees

acting in the capacity of independent executors, to execute the terms and provisions of the will, or provided that no other action shall be had in the courts of Texas in reference to the settlement of the estate than the probating and recording of the will and the return of an inventory, appraisement and list of claims of the estate dealt with in the will, or contains language of similar import, and said will grants to such independent executor, or executors, and/or trustees, acting in the capacity of independent executors, the power to raise or borrow money and to mortgage, and such independent executor, or executors, and/or trustees have died or shall die, resign, fail to qualify, or be removed from office, leaving unexecuted parts or portions of the will of the testator, and an administrator de bonis non, with the will annexed, is appointed by the County Court having jurisdiction of such estate, and an administrator's bond is filed and approved, then in all such cases, the County Court may, upon application, notice and hearing, in addition to the powers conferred upon such administrator under other provisions of the laws of Texas, authorize, direct and empower such administrator to borrow such sums of money and incur such obligations and debts as the Court may direct, and renew and extend the same from time to time, upon application and order of the Court, and, if authorized by the Court's order, secure same by pledge or mortgage upon property and assets of the estate, real, personal or mixed, and upon such terms and conditions and for such duration of time as such Court may deem to the best interest of the estate, and by its order may prescribe, all such loans, obligations, debts, pledges and mortgages to be valid and enforceable against the estate and against the administrator, in his official capacity; providing that the foregoing powers shall be conferred by the County Court to the extent only that same are granted to the independent executor, or executors, and/or trustees, acting in the capacity of independent executors, under the terms of the probated will, and then only in such cases as it appears, at the hearing of the application, that, at the time of the appointment of such administrator, there are outstanding and unpaid obligations and debts of the estate, or of the inde-

pendent executor, or executors, and/or trustees, or unpaid expenses of administration, or when the Court appointing such administrator orders the business of the estate to be carried on and it becomes necessary, from time to time, under orders of the Court for such administrator to borrow money and incur obligations and indebtedness in order to protect and preserve the estate; providing that, in addition, upon application, notice and hearing, the County Court may order, authorize and empower such administrator to assume, exercise and discharge, under the orders and directions of said Court, made from time to time, all or such part of the rights, powers and authorities vested in and delegated to the independent executor, or executors, and/or trustees, acting in the capacity of independent executors, under the terms of the will of such deceased person, as the Court may find to the best interest of the estate and may, from time to time, order and direct; providing that the granting of some or all of the powers and authorities under this Act shall be upon application, notice, citation, and hearing, and the Court's order shall be entered in the Court's minutes; providing that the validity of any part of this Act shall not be dependent upon any other portions, and should any part of this Act be held unconstitutional, same shall not affect the validity of the remaining portions, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, November 12, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 20, Requesting Mem-
bers of Congress to take such action
as may be necessary to bring about
the appropriation and allotment of the
funds necessary for the completion of
the Army Construction Program in
the State of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

THIRTEENTH DAY

(Wednesday, November 13, 1935)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the fol-
lowing Members were present:

Mr. Speaker	Greathouse
Adamson	Hankamer
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Harris of Dallas
Ash	Hartzog
Atchison	Head
Beck	Herzik
Bergman	Hodges
Bourne	Hofheinz
Bradbury	Holland
Bradford	Hoskins
Broyles	Howard
Burton	Huddleston
Butler of Brazos	Hunt
Butler of Karnes	Hunter
Cagle	Hyder
Caldwell	Jackson
Calvert	James
Canon	Jefferson
Celaya	Jones of Atascosa
Clayton	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	King
Cowley	Knetsch
Craddock	Lanning
Crossley	Latham
Daniel	Leath
Davis	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
Dwyer	McFarland
England	McKee
Fain	McKinney
Farmer	Moffett
Fisher	Moore
Ford	Morris
Fox	Morrison
Frazer	Morse
Fuchs	Newton
Gibson	Olsen
Glass	Padgett
Good	Palmer
Graves	Patterson
Gray	Payne